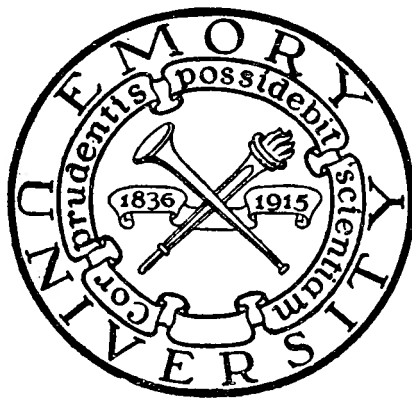






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JOURNAL  
OF THE  
SENATE OF THE STATE OF GEORGIA,  
AT THE  
ANNUAL SESSION  
OF THE  
GENERAL ASSEMBLY,  
COMMENCED AT MILLEDGEVILLE.



# JOURNAL OF THE SENATE

## OF THE

### STATE OF GEORGIA.

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WEDNESDAY, NOVEMBER 3d, 1858.

The second session of the present General Assembly of the State of Georgia having convened in accordance with the requirements of the constitution, at the State House in Milledgeville, on Wednesday the third day of November, in the year one thousand eight hundred and fifty-eight, and of the sovereignty and independence of the United States the eighty-third, the Senate was called to order by the Hon. John E. Ward, President, who stated that he had taken the liberty to call the Senate to order, but as a question had been raised in regard to its organization, he would request Mr. Reynolds, Senator from the county of Newton, to take the chair whilst the Senate acted upon the subject.

Mr. Reynolds in the chair, Mr. Cone offered the following resolution:

*Resolved*, That the officers elected at the first session of the present General Assembly be and they are hereby appointed officers of the present session.

Mr. Whitaker opposed the resolution upon the ground that the Constitution required the election of the President by ballot. And for the purpose of giving quiet and repose to the country, he thought it best to organize the body immediately by electing the old officers.

Mr. Cone replied that the Senate had as good officers as it ever had, in his memory, and he had as much experience as any of them, and he was in favor of the same officers.

Mr. Whitaker stated that the Senator from Bulloch (Mr. Cone) had certainly misunderstood him. He did not object to the object of the resolution, but to the manner by which it was sought to be attained. If we are to re-organize the Senate, the President must be elected by ballot. He agreed with the Senator, that the officers of the last session were good,

faithful and efficient—that he could heartily and cheerfully vote to re-elect them, and had no doubt but that they would receive the unanimous vote of the Senate.

Messrs. Payne, Thomas and Harris of Worth, offered resolutions in relation to the organization of the Senate.

Mr. Ward, of Chatham, then stated that he could put to rest the question raised in relation to the organization of the Senate so far as he was concerned, and tendered his resignation as President of the Senate.

The resolutions which had been offered in relation to the organization of the Senate were then all withdrawn.

On motion of Mr. Harris of Worth, the resignation of the Hon. John E. Ward, as President of the Senate, was accepted.

On motion of Mr. Bartlett, the new Senators elect presented their credentials and were sworn agreeably to the Constitution of this State, and to support the Constitution of the United States, by the Hon. Joseph Henry Lumpkin, one of the Judges of the Supreme Court of this State, and took their seats—to wit:

From the county of Dawson the Hon. John B. Graham.

From the county of Irwin the Hon. George Young.

From the county of Milton the Hon. Lawson Fields.

From the county of Lumpkin the Hon. Harrison W. Riley.

From the county of Wilcox the Hon. Norman McDuffie.

From the county of White the Hon. E. P. Williams.

From the county of Mitchell the Hon. Andrew Cumbie.

From the county of Rabun the Hon. John Q. Adams.

From the county of Glasscock the Hon. Jeremiah Wilcher.

From the county of Pulaski the Hon. Cornelius M. Bozeman.

From the county of Cherokee the Hon. Littlebury Holcomb.

From the county of Schley the Hon. Seaborn Hixon.

From the county of Pierce the Hon. John Donaldson.

On motion of Mr. Cone the Senate then proceeded to the election of a President—when, on receiving and counting out the ballots, it appeared that the Hon. John E. Ward, Senator from the county of Chatham, had received 110 votes—blanks 3. He was therefore declared duly elected as President of the Senate.

Mr. Harris of Worth, moved that a committee of three be appointed to notify the Hon. John E. Ward of his election, to request his acceptance, and to conduct him to the chair, which was agreed to.

In pursuance of which the chair appointed Messrs. Harris of Worth, Payne, and Hill of Harris.

The President elect on taking the chair addressed the

Senate, returning his acknowledgments for the new expression of their confidence, and accepting the position to which he had been re-chosen.

Mr. Billups presented the resignation of William B. Terhune, Esq., as Secretary of the Senate.

Mr. Bloodworth of Pike, presented the resignation of N. A. Brewster, as Messenger of the Senate, and also the resignation of E. W. Allred, as Door-keeper of the Senate.

Mr. Cochran offered the following resolution:

*Resolved*, That we elect by acclamation William B. Terhune, Esq., of the county of Floyd, as Secretary of the Senate, Van A. Brewster, of Harralson county, as Messenger, and Elias W. Allred, of Pickens county, as Door-keeper.

Mr. Briscoe offered the following resolution as a substitute.

*Resolved*, That whereas in the opinion of the Senate each meeting of the Legislature under the amended constitution requiring annual meetings of the General Assembly is a separate and distinct annual session requiring new organization, that we elect by acclamation the old officers of the Senate except the President already elected by ballot, which was accepted.

Mr. Slaughter raised a point of order on the foregoing resolution, and the President decided that as all the officers of the Senate had resigned, no resolution could be entertained until the Senate shall have organized by the election of its officers, and the resolution was therefore out of order.

On motion of Mr. Cone, the Senate then proceeded to the election of a Secretary, when, on receiving and counting out the ballots, it appeared that William B. Terhune, of Floyd county, was unanimously elected Secretary.

The Senate then proceeded to the election of a Messenger, when, on receiving and counting out the ballots, it appeared that Van A. Brewster, was unanimously elected as Messenger.

The Senate then proceeded to the election of a Door-keeper, when, on receiving and counting out the ballots, it appeared that Elias W. Allred was unanimously elected Door-keeper.

Mr. Bloodworth, of Pike, offered the following resolution, which was taken up, read, and agreed to:

*Resolved*, That the Secretary inform the House of Representatives that the Senate has organized by the election of the Hon. John E. Ward, Senator from the county of Chatham, as their President, and W. B. Terhune, Esq., of the county of Floyd, as Secretary, and are now ready for business. Those officers having resigned their places.

The following message was received from the House of Representatives, through Mr. Speer, their Clerk:

*Mr. President:*—I am directed to inform the Senate that the House of Representatives have convened in their chamber in obedience to the requirements of the Constitution, are organized, and are now ready to proceed to business.

Mr. Cone offered the following resolution, which was taken up, read, and agreed to:

*Resolved,* That a committee of three be appointed on the part of the Senate to join such committee as may be appointed by the House of Representatives, to inform his Excellency the Governor, that both branches of the General Assembly are now organized and ready to receive any communication which he may have to make.

In pursuance of which, the President appointed Messrs. Cone, Fields, and Reynolds.

Mr. Mallard offered the following resolution, whis was taken up, read, and agreed to:

*Resolved,* That Editors and Reporters for the press in Georgia be furnished by the Messenger, under the direction of the President of the Senate.

The following message was received from the House of Representatives, through Mr. Speer, their Clerk:

*Mr. President:*—I am directed to inform the Senate that the House have appointed a committee consisting of Messrs. Smith, of Towns, Milledge, of Richmond, and Colquitt, of Baker, to join a like committee on the part of the Senate, to wait upon his Excellency the Governor, and inform him that both branches of the General Assembly are now organized and ready to receive any communication he may desire to make them.

Mr. Cone, chairman of the committee appointed to wait upon his Excellency the Governor, reported that they had discharged the duty assigned them, and that his Excellency the Governor is now ready to communicate a message in writing to both branches of the General Assembly.

The following message was received from the Governor, by Mr. McComb, his Secretary:

*Mr. President:*—I am directed by his Excellency the Governor, to deliver to the Senate his annual message, with accompanying documents.

On motion of Mr. Cone, the message was taken up and read.



## GOVERNOR'S MESSAGE.

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EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GEORGIA,  
November 3d, 1858. }

*Fellow-Citizens of*

*The Senate and House of Representatives :*

It affords me much pleasure to be able to state that the financial condition of the country is greatly improved since the adjournment of your last session. Previous to that time, the commercial crisis, aggravated by a general suspension of specie payment by the banks of many of the States, including most of the banks of this State, attended by distrust and loss of confidence, had depressed the spirits of our people, and seriously affected all the great interests of our State.

### *Banks and Banking.*

On the 22d day of December last, both branches of the General Assembly passed, by a constitutional majority, without Executive sanction, an act entitled "an act to provide against the forfeiture of the several bank charters in this State, on account of non-specie payment for a given time, and for other purposes therein named." This act made it the duty of the Governor to withhold proceedings under the act of 1840, for the forfeiture of the charters of such banks in this State as had violated the law, and were in a state of suspension, until the 15th day of this present month, or till the happening of certain contingencies mentioned in the act.

In view, doubtless, of the great imposition practiced upon the people by the banks, in taking from them usury under the name of exchange, and otherwise, the usury laws of this State, so far as applicable to banks, were changed by the eighth and ninth sections of said act; by which it is made

illegal for any bank or bank agency, by itself, its officers or agents, directly or indirectly, to loan money at a greater rate of interest than seven per cent per annum, and at that rate only for a longer or shorter time; or to discount or purchase notes, papers, or evidences of debt, at a greater discount than seven per cent per annum. And all notes, bills, drafts and contracts of every sort whatever, taken for money loaned at a greater rate of interest than seven per cent, as well as all notes, papers and evidences of debt discounted or purchased in violation of said act, are declared to be utterly null and void, and irrecoverable in law.

The tenth section of the act regulates the per cent which a bank may receive for exchange, when its own bills are tendered at its counter in payment therefor, by a citizen of this State.

The sections containing these provisions were doubtless inserted in the act for the purpose of protecting the people against the usurious and exorbitant exactions of the banks. And to prevent, as far as possible, violations of the act, in the particulars above referred to, it is enacted by the eleventh section, that, "The affidavit of bank officers to their annual and semi-annual reports, shall, in all cases, state that the bank of which they are officers, has not, by itself, its officers or agents, in any particular, violated the provisions of this act." And the twelfth section makes the offence perjury, should bank officers swear falsely in making their reports. By requiring of bank officers the solemn guaranty of an oath, under heavy penal sanctions, that the law has not been violated by them, the Legislature no doubt believed they had protected the people against such illegal practices in future.

Although I withheld my sanction from the act on account of other objectionable features in it, and on account of the doubts I entertained as to the constitutionality of portions of it, I have no doubt but that such portions of the act as prohibit the taking of usury by the banks, and regulate the manner of making their annual and semi-annual reports, which apply to all banks in the State, are both constitutional and expedient. Entertaining these views, on the 1st day of June last I issued my proclamation, calling on the banks to make their returns according to law, and to comply with said eleventh section of the act of 22d December, 1857. As this act had been passed by the Legislature mainly for the relief of the suspended banks, and at the earnest solicitations of their friends, I had reason, in common with all law-abiding citizens of the State, to suppose that they would render cheerful obedience to all its requirements. It is with much regret, however, that I have to state to the Legislature, that by far the greater number of the banks whose suspension had thus been legalized, and whose charters had been so recently relieved

from liability to forfeiture, in open violation of the statute passed for their relief, as well as all the banks in the State which had not suspended, either neglected or openly refused to obey the law, and make their returns as directed by the positive mandate of the statute; thereby placing themselves in a position of defiance to the constitutional authorities of the State.

In this state of things I issued my proclamation as required by law, publishing the names of such delinquent banks, and notifying the Treasurer of this State that their bills would not be received in payment of taxes, or of any debt due the State or the Central bank, until they should comply with the laws and make their returns as directed by the statutes; and this they have hitherto neglected to do. It is evident, therefore, that the penalty of excluding their bills from the Treasury, which is the only penalty now prescribed by law for a failure to make their returns, is not sufficient to compel obedience to the requirements of the statutes. Doubtless some of the banks have made more by taking usury, and by disregarding in other respects the act of 22d December last, than they have lost by suffering the present penalty for not making returns in accordance with existing laws.

For the purpose of compelling these corporations to yield obedience to the law in future, I respectfully recommend that the penalty for disobedience be increased, and in addition to the penalty already prescribed, that a tax of two per cent a month upon the whole amount of the capital stock mentioned in the charter of each delinquent bank, be levied and collected in gold and silver, for the entire time during which any such bank may in future remain in a state of disobedience, and fail to make its returns as directed by the statutes. There can be no just reasons why wealthy corporations should be permitted at their pleasure to set the law at defiance, while individuals are compelled to suffer rigorous penalties for its violation. The mandates of the law should be obeyed as promptly and implicitly by the most influential and wealthy as by the poorest and most needy. This is republican equality, and our people should be content with nothing else.

No sooner had the act of 22d December, 1857, been passed, than the banks, forgetful of their promises to expand their circulation, to discount freely and relieve the country, refused to discount notes, however good, when offered to them in a legitimate course of banking business, or to extend accommodations to any except perhaps to a favored few, such as cotton buyers and other speculators. Merchants and others compelled to have Northern exchange, were generally unable to obtain it for less than three per cent. The price of cotton declined, and monetary distress became general throughout the State.

The banks having thus abused the generous confidence reposed in them by the Legislature, continued to enjoy the benefits of the suspension long after the banks of the great cities of the North and West had resumed specie payment, and until the just indignation of an injured people, expressed through the public press, by public meetings and otherwise, became so prevalent that they felt compelled by fear of future consequences, to retrace their steps and curtail the speculation they otherwise would have made out of the suspension. They therefore prepared to resume on the 1st day of May last; thus admitting, by their resumption six months in advance of the time fixed by the statute, that no such necessity as they represented to the Legislature ever did exist for the passage of the act. A gentleman of great ability and worth, who is at the head of one of the most important and influential banks in the State, in his report of May last, while apologizing for the suspension, and referring to the fact that the Legislature had given time till the 15th of November, says: "Our banks, impatient under the supposed odium of suspension, resolved to resume on the 1st of the present month," (May.) It is a fair inference, therefore, that the banks would have continued the suspension till the time fixed by the act for them to resume, but for the pressure of public opinion, and their *impatience* "under the supposed *odium* of suspension." Public opinion having thus compelled the banks to resume before the time fixed by the statute, and the crisis having passed, we, as rational men, should learn wisdom by experience, and try to provide as far as possible against abuses of their privileges by these corporations in future.

I presume it will not be denied by any one, that we have erred by a too liberal and unguarded grant of corporate powers and privileges to moneyed monopolies. And it is believed that a future extension of this policy would soon enable these monopolies to control the government of Georgia and make the people the subjects of their power. It is already claimed by some, that they now have the power, by combinations and the free use of large sums of money, to control the political conventions and elections of our State, and in this way to crush those who may have the independence to stand by the rights of the people in opposition to their aggressive power. I trust that the bold, independent and patriotic people of Georgia may never be compelled to bow the neck in subjection to the yoke thus intended to be imposed by the corporate powers of the State. Let it not be forgotten, however, by those who have watched with anxiety the growing power of corporate influence, that the price of republican liberty is perpetual vigilance.

The monetary and commercial affairs of the country must necessarily remain subject to panics, under heavy pressures,

at certain, if not frequent intervals, as long as our present banking system is continued with its enormous powers and privileges, which have been enlarged and extended by legislative enactment, chartering new banks from year to year. The people should take this subject into serious consideration, and pronounce upon it a calm and deliberate judgment. Every intelligent person must admit that it is impossible for a bank having a paper circulation three times as large as the amount of its specie, to redeem all its bills in specie on demand. Should all its bills be presented for payment at any one time, and the specie be demanded, it can then redeem but one-third of them. In that case, if the bank has sufficient assets, or property, the other two-thirds may possibly not be an ultimate loss, but payment must be delayed till the money can be realized by a disposition of those assets and property, which may not be till the end of a lengthy and uncertain litigation. It is clear, therefore, that our present paper currency is not a currency convertible, at all times, into gold and silver upon presentation; and that only one-third of it, should payment be demanded on all at one time, can, in the nature of things, be so convertible, so long as the banks issue three dollars in paper for one in coin.

In my judgment, no paper currency is safe which is not so regulated as to be at all times readily convertible into gold and silver. It is true, our people, by a sort of common consent, receive the bills of the banks and use them as money, though in reality they rest upon no solid specie basis. But sad experience has taught us that such a circulating medium subjects the country to panic at the first breath of distrust or suspicion, which may be produced by the failure of a single bank having a large circulation and extensive connections with other banks, and may widen and extend to the prostration of the credit of the whole country. Such a currency, having no solid specie basis, can be available only so long as the community will consent to receive *promises to pay money in place of money itself*.

The people take from the banks their bills *as money*. The banks receive interest, and often exchange, upon them.—When required to redeem their bills in specie, they suspend, if they choose to do so; and then, if an attempt is made to coerce payment in specie, they resist it, holding a rod over the people by threatening to make them pay upon a specie basis debts contracted by them for the bills of the banks; notwithstanding those bills, when they received them, rested on a basis of only one-third specie. The high prerogative of exercising banking privileges, and of issuing their own notes or bills to be circulated as money, not resting upon any solid specie basis, is secured to the banks under our present system of legislation as an exclusive right, while the exercise of sim-

ilar privileges upon like terms is denied to all individual citizens of the State by stringent penal enactments.

The privilege of using their own notes as money, gives to the favored few who enjoy it, immense advantages over their fellow-citizens, and may often enable the managers of these corporations to amass great wealth by their high salaries and large profits. It may however be said, that many of the stockholders are widows and orphans; that the stock is in the market for all, and that the dividends are not greater than the profits realized from other investments. This may be admitted. Indeed, it seems in practice to be generally true, that corporate privileges do not result so much to the benefit of the mass of stockholders as to the benefit of the few who manage the corporation. To estimate correctly the profits made out of the people by those engaged in banking, we must not only count the dividends of seven, eight or ten per cent distributed among the stockholders, but we must also take into the account the banking houses, real estate and other property purchased out of the profits of the bank and held by the corporation. Besides, we should consider a reserved fund of two, three or four hundred thousand dollars, made up of accumulated profits, and often kept back by our larger banks and not distributed among the stockholders, together with the high salaries of all the officers of the bank, which must be paid before any dividends are distributed. These sums, though made out of the people by the banks, are not semi-annually divided among the stockholders. To these add all sums paid to attorneys, agents, &c., and all amounts lost by defaulting agents, which, while they cannot be set down as profits of the corporation, since neither its officers proper nor its stockholders are benefitted thereby, are still sums of money which, under the workings of the system, are drawn by the corporation from the pockets of the people.

To all this add the large sums lost almost every year, on account of broken banks, whose bills are left worthless in the hands of the people, who have paid full price for them as money. And take into the account the further fact that the State, in 1848 and 1849, issued \$515,000 of her bonds, to meet her liabilities on account of the Central Bank, \$240,000 of which are still outstanding. And that in 1855, she issued \$48,500 of bonds to pay her indebtedness on account of the Darien Bank, which are still unpaid, making \$288,500 of bonds on account of these two banks which still remain a portion of the public debt, the interest upon which is paid annually out of the taxes of the people—and we may form some estimate of the amounts which the people of Georgia have paid and continue to pay in taxes, and suffer in losses, to sustain the banking system.

Again, in many instances, those who control the corpora-

tion may have great advantages in being able, if they choose, to obtain such accommodations as they may desire, by the use of its funds, when a favorable opportunity for speculation occurs. The dividends paid to stockholders are therefore no proper criterion by which to judge of the advantages of the corporation to those who hold its offices, and control and manage its capital and its operations; or of the sums lost by the people on account of the workings of the system.

Thus far I have discussed this question upon the supposition that the liabilities do not exceed three dollars for every one of specie actually on hand in the banks to meet and satisfy them. This supposition, is more favorable to many of the banks than facts will justify. The law of their charters only requires that their liabilities shall not exceed three dollars for every one of capital stock actually *paid in* and not three dollars for every one of specie on hand to meet those liabilities. As an illustration of the error of our present legislation in incorporating banks, suppose the amount of the capital stock of the bank be limited by the charter to \$500,000, which is to be *paid in*, in gold and silver, by the stockholders. The charter then provides that the liabilities of the bank shall at no time exceed three times the amount of the capital stock actually *paid in*. The stockholders *pay in* the \$500,000 in gold and silver. The directors of the bank may then, without any violation of the letter of the charter, incur liabilities against the bank to any amount that does not exceed \$1,500,000; and that too, without any obligation on their part to *keep in* their vaults the \$500,000 actually *paid in*, or a like sum. If they should take out \$400,000 of their specie and invest it in real estate or other property, leaving but \$100,000 of specie in the vaults, they may still contract debts to the amount of a million and a half, and may point in triumph to the language of their charter, and to the fact that the \$500,000 of capital stock was once actually *paid in*, as their authority for so doing,

This bank legislation of our State does not seem to have been well understood by our people. They have generally believed that our banks, by the letter of their charters, were required to have on hand at all times an amount of specie one-third as large as the entire amount of their liabilities.—The banks have understood the matter very differently, and have not only claimed, but exercised the right when they regarded it their interest, to extend their liabilities far beyond three dollars for every one of specie actually on hand to meet those liabilities. By examination of their returns made to this Department in October, 1857, it will be seen that at the time of the late suspension of our banks in Augusta and Savannah, the liabilities of one of them for bills in circulation and individual deposits, exceeded *thirteen* dollars for every



*one* dollar of both specie and bills of other banks which it then had on hand. Another had only *one* dollar in *specie* in its vaults for every *fifteen* dollars of its liabilities for bills in circulation and deposits. Another had not *one* dollar in *specie* for every *seven* of liability for bills in circulation and deposits; and another had only *one* dollar in *specie* for every eleven dollars of its liabilities of the character mentioned above. It is true these banks had other assets, but those assets were not money. The question naturally suggests itself, how can such a currency be convertible into gold and silver—the money of the constitution—on demand or presentation? How can a bank with *fifteen* dollars of cash liabilities for every *one* dollar in specie, or even of five dollars for one, pay its liabilities promptly on demand? It is impossible. And how can its bills be justly considered safe as a circulating medium, or *as money*, if it cannot redeem them promptly on demand?

In consideration of all the imperfections and abuses of our present banking system, I am of opinion that we should do all in our power to bring about its complete reformation, and if this be not possible, we should abandon it entirely. I am the advocate of no harsh measure that would either violate the legal rights of the present corporations, (however unwisely they were granted,) or that would bring distress upon the people, by a sudden return from a paper to a specie currency. A reformation so radical, if attempted, must be the work of years. If the legislature would continually refuse to charter any new bank, or to enlarge the capital stock of, or re-charter any bank now in existence, the system would gradually work itself out by efflux of time; and we might, without any sudden shock, return safely to the currency of the constitution, plant ourselves upon a firm specie basis, and rid ourselves of a system against which the great and good men who conducted the revolution and formed our constitution intended to guard their posterity, when they declared in the constitution that nothing but gold and silver coin should be made a legal tender.

In two of the States of this Union banks are prohibited by constitutional provision; two others have no banks, and another had but two small banks, whose charters, it is said, have been forfeited by the late suspension. And I am informed upon what I consider reliable authority, that the late commercial pressure was comparatively but little felt within the limits of those States.

Should our people determine, however, to continue the present banking system, and to charter new banks, increasing their number and thereby increasing their power in the State, I would respectfully urge the importance of guarding all charters with much greater stringency in the future. Let the charter of each provide that the entire liabilities of the bank shall, at no time, exceed three dollars for every one of

specie actually in its vaults and bona fide the property of the bank, on pain of immediate forfeiture. Let the simple fact of suspension of specie payment render the charter absolutely null and void. This would deter them from engaging in such wild speculations and over issues as compel them to suspend in case of pressue. Let provision also be made that all executions issued against the corporation may be levied upon the property of any stockholder until the creditor be satisfied, leaving the stockholder to his legal remedies against the rest of the stockholders to enforce contribution among themselves. Let the bills of the banks in the hands of the people at the time of suspension, bear interest from that time till paid. And let the Legislature retain the right, by express reservation in the charter, to alter, modify or repeal it at pleasure. In my opinion it would be best for the Legislature to refuse to grant a charter to any corporation for any purpose whatever without retaining a similar power, should its exercise be required by the interests of the State or the public good. If the corporation is unwilling to trust the people with this repealing power, how much more should the people be unwilling to trust the corporation without it.

#### *Prohibition of Small Bills.*

Several of the States have already passed laws prohibiting the emission by their banks of small bills. I once entertained doubts whether our Legislature could do this without a violation of the chartered privileges of the banks; but on more mature reflection and careful examination, those doubts are entirely removed from my mind. I therefore recommend the passage of a law prohibiting the emission of small bills by the banks of this State, and forbidding under heavy penalties, the circulation within this State of bills of a like denomination issued by banks of other States. Such an act might prohibit the circulation of all bills of a denomination under ten dollars, after twelve months after the passage of the act, and those of a denomination under twenty dollars in six months thereafter, or at such other stated times as might be thought best, so as not to embarrass the business transactions of the country. The effect of such a law would be to cause small bills to be withdrawn from circulation, and as they must be redeemed by the banks with specie, the specie would go into circulation in their stead. This would cause gold and silver to take the place of bank bills in all the smaller business transactions. The laborer would then receive the price of his labor in gold and silver, the farmer of small means would generally receive the price of his produce in gold and silver, which would remain good, however much bank bills might depreciate.

*Sub-treasury System.*

I also beg leave to call the attention of the General Assembly to the propriety of establishing by law a system for our State, similar to the Sub-treasury system of the United States, the wisdom of which has been fully demonstrated by the beneficial results of its principal operation. I earnestly recommend the adoption of such a system. Let all payments into the treasury after a reasonable time to be fixed by the Legislature, be made in gold and silver, and let the State pay the interest upon her public debt, the salaries of her officers, the per diem of her Legislators, the money due the several counties for school purposes, together with all her other liabilities, in gold and silver. Of course the system should go into operation gradually. This, in connection with the prohibition of the circulation of small bills, would keep out of the banks and in circulation among the people a large amount of coin, placing the currency upon a much more solid specie basis, making the people more independent of banks, and enabling them to withstand the shock with much less injury in case of a commercial crisis and bank suspension. It is believed that no serious inconvenience could result to the tax payer from such a law, as the gold and silver paid into the Treasury by those indebted to the State, would be returned by the State in the payment of her debts due to her creditors, and would again go into circulation among the people. Should any inconvenience be apprehended in the transportation of specie from the treasury to the creditor, provision might be made authorizing certificates of deposit to be issued, which might be paid to the creditor at his request in place of the coin. These certificates of deposit might be of such denomination as the Legislature may prescribe, handsomely engraved upon steel plates, which plates should be deposited in the Treasury for safe keeping. Each certificate might be signed by the Treasurer and countersigned by the Secretary of State, with the impression of the great seal of the State stamped upon it, and a register of the issue of each kept in the Treasury to prevent counterfeit. These certificates might be made payable to the person to whom they first issued or to bearer. They would supply the place of bank bills so far as the conveniences of a paper currency are concerned, while they would be subject to none of the fluctuations of value and the uncertainties of bank bills. They would be taken at the option only of the creditor in place of gold and silver. The gold and silver, dollar for dollar, would, when they were in circulation, remain in the vaults of the Treasury to redeem them when returned to it. These certificates, thus predicated upon coin in the Treasury, dollar for dollar, would be receivable in payment of taxes or of any debt due the State. They would be a safe medium of exchange, and would, to

the amount of their issue, be a paper currency at all times convertible into gold and silver upon presentation at the Treasury. Each dollar of paper would have for its basis a dollar of specie in the Treasury, and as the faith of the State would be pledged for their redemption, it would be impossible for any citizen to sustain loss upon them. They would be a currency at all times and under all circumstances of uniform par value. This would render the government of the State entirely independent of all banks and bank agencies, and would in a very great degree destroy the power of the banks over the people, while it would give the people gold and silver change in all their small transactions, and a paper currency perfectly secure in many of their larger ones.

The suggestions made by the Secretary of the Treasury of the United States, (Mr. Cobb,) in his late report to Congress upon the subject of the establishment of a Sub-Treasury system by the States, similar to that of the United States, and the prohibition of the circulation of bank bills under the denomination of twenty dollars, are, in my judgment, founded in wisdom, and commend themselves to the serious consideration of the Legislature. The State of Ohio has already shown her appreciation of the wisdom of these suggestions, by transferring much of their substance to her statute book, allowing sufficient time for the gradual inauguration of the system into practical operation.

#### *Western & Atlantic Railroad.*

For a statement of the present condition of the Western and Atlantic Railroad, its operations and incomes for the fiscal year ending 30th September last, I beg leave to refer you to the report of Dr. John W. Lewis, its able and efficient Superintendent, who has shown himself to be a most vigilant, active, and valuable public servant. In passing this well merited compliment upon the faithful Superintendent, I would do injustice to his associate officers, and the other agents and employees of the Road, were I to fail to express my entire confidence in their integrity and business qualifications, and to commend the zeal and energy with which they have exerted themselves for the success of the Road and the advancement of the best interests of the State. For their efficiency, fidelity and integrity they have my sincere thanks, and are, in my opinion, entitled to the thanks of the whole people of Georgia.

Owing to the commercial pressure, and the consequent stagnation of trade and business, the gross incomes of the Road during the present year, from freights and travel, have been less than they were for the previous year, which was one of unusual prosperity. The low price of corn, wheat and other kinds of grain during the present year, has, in a great degree, prevented their shipment. Not only were the

prices of wheat much lower than they were the year previous, but the quantity made in all that section of country which supplies the Road with freight, was much less.

Merchants limited their purchases of goods to the limited demand for them in the country; hence, the diminution of incomes to the Road on account of freights on merchandize.

That portion of the Road track between Tunnell Hill and Chattanooga, (seven miles excepted) was in a very bad condition when Dr. Lewis took charge of the Road, and it has required a great deal of costly repairs. A considerable portion of the track between those points has been taken up and thoroughly repaired, and small stones pounded into the earth under the new cross ties at several places where in wet weather the earth is so soft that the Road-bed could not otherwise be made firm. This kind of repairs is quite expensive, but is believed to be cheapest in the end, as the track in these soft places will remain firm when once bedded in stone. The entire track is believed to be in better condition than it has been for several years, (a force of about three hundred hands having been employed in its repair most of the summer,) and all the rolling stock is in good order. Repairs have also been lately made at Alatoona, Petit's Creek and the Tunnel.

Since your last meeting one thousand tons of new T iron have been purchased, which has all been paid for since the 1st day of January last. This will lay about eleven miles of the track with new, heavy bar. Part of this iron has already been laid down upon the track, and the remainder, now being received, will soon be laid down. Other new iron will be purchased as fast as it is needed.

It is a matter of great importance that the Road be kept in good order. For this purpose it is proper that several miles of the track at different places should be laid with new iron every year; otherwise the iron on a large portion of the track might wear out at the same time, requiring a very heavy outlay to replace it. I hold that no administration, for the purpose of paying money into the Treasury or otherwise, has a right to let the Road run down. He who does it deserves to be condemned; and I am willing that my administration, so far as the management of the Road is concerned, shall be judged by this standard.

According to the report of the Senate Committee, the present Superintendent, when he took charge of the Road, 1st January last, was chargeable with assets amounting to about \$57,324 15, due from connecting Roads and solvent agents, with a balance in the Treasury of \$15,907 43. And he paid, according to the report, from 1st January to 1st July the sum of \$157,773 23 to creditors of the Road, on account of indebtedness contracted prior to 1st January, 1858, and had in

the treasury of the Road 1st July a balance of \$35,010 96. It will be seen therefore, that the amount in the treasury was much smaller 1st January than it was 1st July; and that the amount of debts contracted by former administrations of the Road, and paid by the present Superintendent, from 1st January to 1st July, 1858, was \$100,449 08 larger than the amount of solvent assets turned over to him. The present Superintendent would seem therefore to be entitled to this sum, paid out of his net earnings as a cash credit. In this sum is included the price of 400 tons of the new iron above mentioned, which was ordered by the former Superintendent prior to 1st January last, and has been paid for and laid down by the present Superintendent since that time; who has also, through the Treasurer of the Road, paid into the State Treasury, commencing with the month of March last, \$200,000. Of this sum \$175,000 had been paid in at the date of his report of 30th September, and \$25,000 since that time for the month of October. The current expenses of the Road have been paid. No new debts are permitted to accumulate which are not promptly paid, if the creditor can be found, at the end of each month.

The new passenger depot at Chattanooga is in process of construction under the superintendence of the Chief Engineer of the Road, with workmen hired by the general Superintendent. The building is 101 feet wide and 303 feet long, and in a very solid and well built structure. It is built of stone to the spring of the arches, which are turned with brick. It is expected to be completed and ready for use in a few weeks. All expenses of this structure have been paid monthly. It is intended that the depot be used by all the Roads connecting at that place. As some of these Roads were not in a condition to incur the expense, at the time the work was commenced, of contributing to its erection, it was thought best, as there was great need of the depot, for our Road to go on and build it, and take the obligations of the connecting Roads for their proportion of the expense. The Nashville & Chattanooga Road takes one-fourth interest in the depot, and pays \$10,000. The East Tennessee and Georgia Railroad Company agrees to take another fourth, and to pay a like sum, at two and three years from the time they are ready to use it, with semi-annual interest at the rate of seven per cent per annum; and it is believed that the Memphis and Charleston Road will also take a fourth interest.

Dr. Lewis took charge of the Road the 1st day of January last, and was under the necessity of applying the net earnings of the months of January and February in payment of debts against the Road which existed prior to that time, and for necessary repairs on the Road, including payment for iron previously ordered. It will be seen that the payments made

into the State treasury from the 1st of March last to the present time, have averaged twenty-five thousand dollars per month. It is believed in future that all necessary repairs can be made, all current expenses promptly paid, every department of the Road kept in first rate order, and that an average of \$25,000 a month can be paid into the State Treasury, from year to year.

This may be regarded by some as an over estimate of the legitimate net earnings to be realized in future from the road. As an evidence, however, of my confidence in its correctness, I have no hesitation in saying that I would risk my personal fortune on the result. Were I satisfied that it were the desire of the Legislature and people of Georgia, I would bind myself as an individual to take the road for a term of ten years commencing 1st January next; and I would give bond in any reasonable sum which might be required, with ample security, to return it in as good order as it was 1st January last. I would lay down ten miles of new T iron on the track every year, the old iron taken up, or the price of it, being mine. I would take the benefits and the burthens of all contracts made by the authorities of the road since the 1st of January last, receiving all sums owing to the road and paying all debts owing by the road on contracts made since that time. I would bind myself that the present price of freights should at no time be increased, if such increase would make the freights higher than the average price charged for freights by the other roads in Georgia; and I would pay into the Treasury of the State \$25,000 per month for the use of the road, its equipments and appurtenances, to be paid monthly in cash or in bonds of the State, or in the bonds which now constitute the funded debt of the Road, for the payment of which, the faith of the State has been pledged for years. And every time a payment should be delayed twenty-five days after it was due, I would forfeit and pay to the State \$10,000 for the delay. This would be \$300,000 per annum principal besides interest. And a term of ten years at these rates, counting simple interest at seven per cent per annum on each monthly payment from the time it was paid into the Treasury till the end of the lease, would yield the sum of \$4,041,250. for the use of the road for that time.

Regarding the question as settled, therefore, that the road with proper management will pay into the Treasury \$25,000 per month, or three hundred thousand dollars annually, clear of all expenses and repairs, the inquiry naturally arises, what disposition shall be made of the money?

*Payment of the Public Debt—Common School System.*

The public debt of the State amounts at present to \$2,630,500, payable at different times during the next twenty years. A large portion of this debt has been contracted from



time to time on account of the State Road. This debt, it will be remembered, is subject by legislation, already had, to be increased \$900,000, on account of the State's subscription for stock in the Atlantic and Gulf Railroad Company. This would make the whole debt \$3,530,500, should no part of it be redeemed before the bonds of the State for the above mentioned \$900,000, shall have been issued. By the terms of the contract with the bond holders, \$289,500 of this debt is now subject to be paid at the option of the State, though payment cannot be demanded till 1863 and 1868. The Central Bank bonds are also falling due in considerable sum annually. Good faith requires that the debts of the State be promptly met when due. And sound policy dictates that such bonds as are due or not, at the option of the State, be taken up as fast as she has the means.

The net earnings of the Western and Atlantic Railroad are already pledged for the payment of a large portion of this debt. I therefore recommend the passage of an act setting apart \$200,000 per annum of the net earnings of the Road, to be applied in payment and purchase of the public debt. And, in view of the great and acknowledged necessity existing for the education of the children of the State, and of the immense advantages which would result from the establishment of a practical Common School system, I further recommend that a sum as large as the entire amount of the public debt, be set apart as a permanent Common School Fund for Georgia, to be increased as fast as the public debt is diminished; and that the faith of the State be solemnly pledged that no part of this sum shall ever be applied to, or appropriated for any other purpose than that of education. Let the act make it the duty of the Governor each year as soon as he shall have taken up the \$200,000 of the State's bonds, to issue \$200,000 of new bonds, payable at some distant period to be fixed by the Legislature, to the Secretary of State as trustee of the Common School Fund of the State, with semi-annual interest at six per cent per annum. The bonds to be deposited in the office of the Secretary of State. As the public debt is thus annually diminished, the School Fund will be annually increased, until the whole debt is paid to the creditors of the State, and the amount paid converted into a School Fund. And as the fund is increased from year to year, the amount of interest to be used for school purposes will be likewise increased.

Should this plan be adopted, in a few years the school fund of Georgia, including the present fund for that purpose, would be in round numbers \$4,000,000. The amount of interest accruing from this fund, to be expended in erecting school houses and paying teachers, would be \$240,000, per annum. I am aware of the difficulties which have been encountered by those who have attempted heretofore to de-

wise a practical and equal school system for the State, owing in a great degree, it is believed, to the fact that portions of our State are very densely, while others are quite sparsely populated. But the fact of our inability to accomplish all we may desire is no sufficient reason why we should neglect to do that which is in our power. Probably the principal cause of our failure in the past is attributable to a lack of funds and of competent teachers.

With the gradual increase of the fund proposed, it is not doubted that the wisdom of our State would, from time to time, improve our present defective system till it would be so perfected as to afford the advantages of an education to all or nearly all the children of the State. Let the teachers be paid by the State, and let every free white child in the State have an equal right to attend and receive instruction in the public schools. Let it be a Common School, not a Poor School System. Let the children of the richest and the poorest parents in the State, meet in the school-room on terms of perfect equality of right. Let there be no aristocracy there but an aristocracy of color and of conduct. In other words, let every free white child in Georgia, whose conduct is good, stand upon an equality of right with any and every other one in the school-room. In this way the advantages of education might be gradually diffused among the people; and many of the noblest intellects in Georgia, now bedimmed by poverty and not developed for want of education, might be made to shine forth in all their splendor, blessing both church and State by their noble deeds.

Should \$4,000,000 be insufficient to raise annually the sum required, the fund might be increased from the incomes of the Road, to any amount necessary to accomplish the object. The interest on this fund should be semi-annually distributed equally, among the counties, in proportion to the whole number of free white children in each, between six and sixteen, or of such other age as the legislature may designate. Authority should also be left with each county to tax itself, at its own pleasure to increase its school fund, as at present. And it should be left to the Inferior Court, or school commissioners of each county to lay off the county into such school Districts, as will be most convenient to its population, having due regard to their number and condition

#### *Education of Teachers.*

Assuming that provision will be thus made to raise all the funds necessary to build school houses and pay the teachers to educate all the free white children of the State, the next question which presents itself, and perhaps the most important one of all, is, how shall the State supply herself with competent teachers? raised in her midst and devoted to her

interests and her institutions?—southern men, with southern hearts, and southern sentiments?

For the purpose of educating Georgia teachers in Georgia colleges, I propose that the State issue her bonds payable at such distant times as the legislature may designate, bearing interest at seven per cent payable semi-annually. The interest to be paid out of the net earnings of the State Road; and the bonds to be redeemed out of its proceeds, should it ever be sold. That she deliver \$200,000 of these bonds to the State university at Athens, as an additional endowment; \$50,000 to the Georgia Military Institute, at Marietta, and \$50,000 to each of the three denominational Colleges in the State, in consideration that each of said five Colleges, will bind itself to educate annually, one young man as a State student, for every \$200 of annual interest which the endowment given by the State pays to the College; furnishing him with board, lodging, lights, washing, tuition, and all necessary expenses except clothing, which might be furnished by the student himself or his parents. The interest on this \$400,000 of bonds would be \$28,000 per annum. This sum would maintain and instruct as above suggested one hundred and forty young men annually, being one from each county in the State, and two from each of the fourteen counties having the largest population, unless other new counties are formed. I propose that these young men be selected from all the counties in the State, from that class only of young men whose parents are unable to educate them, and that only such be selected as are of good moral character, industrious and attentive, who desire an education, and who give promise of future usefulness. That the selection be made in each county by a competent committee appointed by the Inferior Court, after an examination at some public place in the county of all such young men as desire to become beneficiaries, and who will attend on a day to be fixed by the Inferior Court, after giving due notice. Let the committee be sworn that they will be governed in the selection by the merits of the applicant, without prejudice or partiality; and that they will select no one whose parents are known to be able to give him a collegiate education without doing injustice to the rest of his family. And I propose that the place of any such student in college be supplied by another, whenever the faculty of the college shall certify to the Inferior Court of his county, that he is neglecting his studies or failing to make reasonable progress, or that he has become addicted to immoral habits. I propose that the State, in this manner, give to each of the poor young men thus selected his collegiate education, on condition that he will enter into a pledge of honor, to make teaching his profession in the county from which he is sent, for as many years as he shall

have been maintained and educated by the State in college; the State permitting him to enjoy the incomes of his labor, but requiring him to labor as a teacher.

Many of these young gentlemen would no doubt, adopt teaching as their profession for life. This would supply the State after a few years with competent teachers. And as these young men while teaching in the various counties in the State would prepare others to teach without going to college, pure streams of learning would thus be caused to flow out from the colleges, and be diffused among the masses of the people throughout the State. Then we would not so often hear the complaint, that the child must unlearn at one school what it has taken it months perhaps to learn at another under an incompetent teacher. This plan is intended to equalize as far as possible, the poor with the rich, by giving to as many of them as possible, at the expense of the State, an opportunity to educate their sons in college, a privilege at present confined almost exclusively to the rich; as poor men have not means to educate their sons, however deserving or promising they may be.

Under the plan above proposed it is not intended to make a donation, or absolute gift to the colleges, of a single dollar of the bonds of the State. It is intended only to deliver the bonds to the colleges and to pay to them the interest semi-annually, as a compensation for them to maintain and educate annually, one hundred and forty young men of promise, who could in no other way enjoy the advantages of a liberal education; who in turn are to diffuse intelligence among the great body of the people, thereby supplying the State with Georgia teachers well qualified to teach the youth of Georgia; and who would be, at the same time, the natural friends of her institutions. As a part of this plan I also propose that a General Superintendant of schools for the State, be appointed with a salary sufficient to secure the best talent, whose duty it shall be to collect valuable information upon the subject, and report annually to the Executive, to be laid before the legislature. And to traverse the State in every direction, visit the schools, address the people, and do all in his power to create a lively interest on the subject of education.

Carry out this plan and who can estimate its benefits to the State? I regard the education of the children of the State as the grand object of primary importance, which should, if necessary, take precedence of all other questions of State policy. For I apprehend it will be readily admitted by every intelligent person, that the stability and permanence of our republican institutions hang upon the intelligence and virtue of our people. No monarch rules here! And it is the pride of our system of government that each citizen at the ballot box possesses equal rights of sovereignty with every other

one. Thanks be to our Heavenly Father, the popular voice cannot here be hushed in the silence of despotism, but the popular will dictates the laws. May it thus ever remain!—How important it is, therefore, that the masses of the people be educated, so each may be able to read and understand for himself, the constitution and history of his country, and to judge and decide for himself, what are the true principles and policy of his government. But how much more important it is, in my opinion, that every person in the State be enabled to read for him or herself the Holy Bible, and to comprehend the great principles of christianity, in the eternal truths of which, I am a firm, though humble believer. Educate the masses and inculcate virtue and morality, and you lay broad and deep, in the hearts of our people, the only sure foundations of republican liberty and religious toleration; the latter of which is the brightest gem in the constitution of our country.

By adopting the proposed line of policy we have it in our power, without increase of taxation or burden to our people, to place Georgia, so far as education is concerned, in the proudest position of any State in the Union. Let her educate every son and daughter within her limits, and she may then justly boast that she is the empire State of not only the South, but of the whole Union. By this plan the public debt would be reduced, and the school fund increased, annually, \$200,000; and the interest amounting yearly to \$28,000 on the bonds delivered to the Colleges, would be paid semi-annually, out of the net earnings of the State Road; and there would still be left an annual income from that source of \$72,000, to be applied to other purposes.

#### *Reduction of Taxes.*

The present annual expenses of the Government, including the civil establishment, the interest on the public debt, support of Asylums, Academy for the blind, State Cadets in Military Institute, &c., amount to about, \$446,000, without including any of the extraordinary appropriations. The present annual income to the Treasury from the State tax, the tax on bank stock, railroads, dividends on bank stock, and from other miscellaneous sources, such as copy grants, testimonials, &c., amount to about \$446,000, exclusive of incomes from the State Road. It follows therefore, after allowing some \$22,000 pr. annum of special appropriations, outside of the actual expenses of the Government, that the taxes might be reduced from the incomes of the Road about \$50,000 per annum besides establishing, and providing for the successful operation, of the proposed school system. Should the Legislature, however, after providing for the reduction of the public debt, the support of the school system, and the education of teachers, make any considerable appropriations, other than

those which may be absolutely necessary to support the Government, no material reduction of the taxes could be made.

In the event the Legislature should disapprove of the proposition to apply the net earnings of the Road to the payment of the public debt and to the education of the children of the State, I respectfully recommend that \$150,000 per annum, instead of about fifty thousand as above proposed, be applied in reduction of the taxes of the people; and that the surplus be used for such purposes of internal improvement as will tend most to the development of the resources of the State. I am aware there those who objected to any reduction of taxes, believing it necessary in order to attach the people to the Government, to raise large sums of money from them by taxation, to be appropriated in some way by the Legislature. I take a different view of this subject and believe that all unnecessary, wasteful or extravagant appropriations should be avoided; and that no more taxes should be raised than the necessities of the State require, under an economical administration of the Government.

I cannot believe that the people's love for the government would be increased by high taxation. When the people were paying increased taxes to build the Western & Atlantic Railroad, they were told, that if they would submit to this, the incomes of the Road, when finished, should be applied in part at least in reduction of their taxes. I think they have a reason to expect, and a right to demand, that these pledges shall be redeemed; and I respectfully urge upon you as their representatives, the propriety of enacting such laws as will give them the benefits of the incomes of the Road as above suggested. This, in my judgment, would be infinitely better than to squander the funds in large appropriations of doubtful propriety. If the Road be faithfully and economically managed, the net earnings paid monthly into the Treasury, and applied to educating the youth of the State, the payment of the public debt and the reduction of the taxes of the people, it will then in reality be, what it should be—a blessing to the whole people of Georgia.

*Atlantic & Gulf Railroad.*

I am informed that the work upon the Atlantic & Gulf Railroad is progressing with reasonable rapidity under the management of Dr. James P. Screven, its able and active President. Early in the year the necessary evidence was furnished to me, that the individual stockholders had paid in, twenty per cent upon \$600,000 of the stock, which entitled the Company, under the provisions of the statute, to call for twenty per cent upon the State's present subscription of \$500,000. I accordingly, in connection with Col. Watkins, our industrious and faithful Secretary of State, issued and delivered to the Company at par \$100,000 of six per cent State

bonds, payable in New York, with coupons attached. The bonds bear date 1st February, 1858, and have twenty years to run. The interest is payable semi-annually. This Road is intended to develop the resources of a large and interesting section of the State.

*State Aid to Railroad.*

Other sections of the State are still destitute of the advantages of Railroad facilities. I am decidedly of opinion that it would be good policy for the State to lend her credit, to aid in the construction of such Roads as may be necessary to develop her vast resources, *provided* she be made perfectly secure beyond doubt against ultimate loss. This could be done by the endorsement of the bonds of the company, by the State, after a certain proportion of the Road is first completed, for an amount sufficient to enable company to purchase iron for the road. The bonds thus endorsed should be made payable twenty years after date, with six per cent interest, payable semi-annually; and let the State take a mortgage upon the entire Road, and all its appurtenances, declared by law to be prior to all other liens; to be foreclosed, and the road and its appurtenances sold in sixty or ninety days after the failure of the company to pay any installment of either interest or principal when due. And in the event the whole Road and its appurtenances, should fail under such mortgage sale to bring a sum sufficient to pay the entire amount for which the State shall have become liable, on account of the Company, let the law provide that each solvent stockholder shall be liable to the State, according to the number of the shares he may own, for his proportion of the deficiency. This, is my judgment, would make the State secure; while it would enable each company engaged in the construction of a Road necessary to the development of the resources of the State, to obtain the money requisite to its completion, upon such time and terms as would enable the company, should the Road prove as remunerative as its projectors anticipated, to refund it out of the future net earnings of the Road. Of course such a law should be a general one, alike applicable to all Roads in any part of the State, in the benefits of which, all Roads now in process of construction, or to be hereafter projected, on equal and well defined terms, conditions and limitations, might participate. Guard the State against possibility of loss, and I am decidedly in favor of State aid, by lending her credit in the construction of all such Roads as may be necessary to the prosperity of her people, and the development of her resources.



*The Georgia Penitentiary.*

The report of Gen. Eli McConnell, Principal Keeper of the Penitentiary, will inform you of the present condition of that institution. The walls badly constructed at first, have stood for a long time, and are now nearly ready to tumble down. The whole structure is in a dilapidated condition, and will require action on the part of the Legislature at its present or some early session. It is a question worthy of your attention whether it should be rebuilt where it is, or be removed to some more favorable location; or whether it should be entirely abolished, and some other mode of punishment substituted in its stead. As a place of reformation of the convicts it is believed to have proved a failure. It brings together an assemblage of the worst men in the State, many of whom are beyond the hope of reformation. In the midst of such an assemblage the young offender has but little encouragement to reform. Observation has shown us, that a considerable proportion of those who have served the term of a sentence, have, after going out, very soon violated the law, and been sent back for a second, and some even for a third time. Some of the States, as Alabama and Texas have leased out their Penitentiaries; and it is reported that this plan has worked well in those States, and has relieved them from all burdens in maintaining their prisons. I commend the whole subject to the careful consideration of the Legislature.

*The State Asylums.*

For the condition and management of the State Lunatic Asylum, the Academy for the Blind, and the Asylum for the Deaf and Dumb, I beg leave to refer you to the respective reports of those entrusted with their management. These asylums have already done much to improve the condition, and mitigate the sufferings of the unfortunate persons who are their respective inmates. The State has been liberal in her appropriations to found and sustain them, and I trust that her liberality may prove a permanent blessing to her people.

A recent visit to the Academy for the Blind in Macon, has satisfied me, that those in charge of that Institution are laboring faithfully for the instruction, and the amelioration of the condition, of that unfortunate class of our fellow beings, for whose benefit the Academy has been provided, the new building is being erected, and will, when completed, be a beautiful structure, well adapted to the purpose for which it is intended. I am informed by the Trustees that they have arranged the plan of the building, and shaped the contract with the builders, so as to bring the expense of the whole, within the appropriation, and that there will be no call for an

additional appropriation, to save the State from the loss of the appropriation already made. Their conduct in this particular deserves commendation.

### *Georgia Military Institute.*

For the condition and prospects of the Georgia Military Institute, at Marietta, I also refer you to the report of the Trustees of that Institution. Early in the year I purchased for the State the remaining interest of the stockholders, and paid for it as directed by the statute. The whole is therefore the property of the State. I attended the examination of the classes at the late commencement, and take pleasure in saying that the young gentlemen acquitted themselves with much credit, both to themselves and the faculty.

### *Weights and Measures.*

A large number of the Counties of the State, especially the new counties, have never been supplied with standard weights and measures, the number originally purchased by the State proving insufficient. Frequent applications are made to the Executive by the destitute counties for a supply, and there are none at his disposal. It will cost a considerable sum to purchase the requisite number. I recommend, therefore, that an appropriation be made sufficient to supply such of the counties as are destitute of them, and to defray the expense of their distribution.

### *Salaries of the Judges.*

At your last session an act was passed increasing the salaries of the Judges of the Supreme and Superior Courts of this State; but by some oversight no appropriation was made to pay such increase to those who, under the constitution were entitled to it, the appropriations having been made for the amounts only of those salaries as fixed by previous laws.—One of the Judges of the Supreme Court who was elected at the last session, and two or three of the Judges of the Superior Court, who were elected in Jan. last, hold commissions bearing date since the passage of the Act, and are, therefore, clearly entitled to the increased salary. Six of the Judges of the Superior Court, most of whom had, each, almost a full term to serve, resigned their offices soon after the adjournment of your last session, and having been re-appointed by me, now hold commissions bearing date since the passage of the Act. They, as well as those elected since the passage of the Act, are, in my opinion, clearly entitled to the increased salary: which has been withheld from them on account of the

appropriation not having been made. I therefore recommend that an appropriation be made immediately, sufficient to pay each Judge whose commission bears date since the passage of the Act, the balance of salary due him. In view of the sacrifices made by them, the heavy responsibilities incurred and the great amount of labor performed, I am of opinion that no class of officers in Georgia have been so poorly paid as our Judges. I therefore regard the act raising their salaries as wise and just, and regret only, that the constitutional prohibition prevented, and still prevents, a portion of them from receiving its benefits. I think equality in this case as well as in others, is equity. There is no good reason why a judge who was elected soon after the passage of the act should receive \$2,500 per annum, for his full term of four years, while one whose commission bears date a few days previous to that time, and who probably has a more laborious Circuit, should serve the same term of four years for \$1,800 per annum. Taking this view of the question of justice and right between them, I felt it my duty to re-appoint any one, who, having most of a term before him, thought proper to resign and take his chance for re-election in January next. I see nothing in their course deserving censure, and I do not hesitate to take my part of the responsibility so far as the re-appointments are concerned.

I have no sympathies in common with those who vote away thousands, and tens of thousands of dollars, of the people's money, in large appropriations, often intended by the movers more for the advancement of individual interest than for the public good, and then attempt to raise a popular clamor should the State do justice to her public officers, by giving them a reasonable compensation for their services, which is now, in many instances, much less than their talents would command at other employments. One appropriation of doubtful propriety, about which but little may be said, often draws from the Treasury more money than all the increase of salaries of all the public officers of the State. In 1841, when the salaries of our Judges were fixed at \$1,800 per annum, that amount of money would purchase more property than \$2,500 will purchase now. A negro or a horse might then be purchased for but little, if any, over half as much as a similar piece of property will command in the market now. It follows, therefore, that our Judges and other public officers, are not as well paid now as they were then.—Our great State is not too poor, nor too parsimonious, to do justice to those who render her important public services; nor is it her policy to drive her best talent from public positions, to make room for those who will agree to occupy them for less money.

*Subscriptions to Legal Works.*

At your last session resolutions were passed, requesting me to subscribe in behalf of the State for 1500 copies of Hines' Forms, at the price of \$2 50 per copy; and for 500 copies of Reese's Manual, at a reasonable price, and to pay for them out of the contingent fund. I subscribed for and received the books, and paid Mr. Hines \$1,000, and Mr. Reese \$500, one-third of the price agreed upon for the 500 copies of his book delivered at the Capitol. On account of the heavy drafts made upon the contingent fund, to pay other sums taxed upon it by resolutions of the General Assembly, besides the payment of the salary of the Reporter of the Decisions of the Supreme Court, for which no appropriation was made, I found it impossible to pay the whole amount due for the books, and to meet the ordinary demands for the payment of which the fund is intended. The balance of \$2,750 due Mr. Hines, and \$1,000 due Mr. Reese, remains unpaid. I respectfully recommend that appropriations be made in their behalf, for the respective sums due them.

*The Penal Code.*

I beg leave to call the attention of the General Assembly to what I consider a defect in our penal code. The 8th section of the 4th division of the Code is in these words: "Voluntary manslaughter shall be punished by confinement and labor in the Penitentiary for a term not less than two years nor longer than four years." There are, doubtless, many cases of voluntary manslaughter committed by persons of extreme youth, or attended by other extenuating circumstances, for the punishment of which two years of imprisonment is sufficient. It may often happen, however, from the ingenuity of counsel, the creation of sympathy on account of the long standing of a case, and from other causes, that persons guilty of deliberate murder, are convicted only of voluntary manslaughter. The Judge who presides in the case may be fully satisfied that such is the fact, but he has no power to impose a heavier penalty than that of four years imprisonment. The community feel that the punishment is inadequate, but there is no remedy, as the Court has gone to the extent of the law. If we would suppress crime and bloodshed in our State, we must execute the criminal laws and discard that sickly sentimentality which always sympathises with the criminal, but has no tear to shed over the unfortunate victim of his revenge. I recommend that the section of the penal code above referred to, be so amended as to enlarge the discretion given to the presiding Judge, in cases of voluntary manslaughter, committed after the passage of the act, so that the punishment shall not be less than two, nor longer than twenty years, imprisonment and labor in the Penitentiary. I

also recommend such alteration in the law as will compel persons accused of criminal offences to come to trial at the earliest period, when a fair and impartial investigation can be had. As the law now stands, and is construed by our Courts, the worst cases are often worn out by continuances from term to term, till some of the witnesses die, or remove from the State, and others are almost impoverished by long attendance upon the Court. After years of delay should it happen, as it frequently does, that the witnesses are out of the way, and the community have become careless about the case, the accused is then ready for trial. In this way many of the most bloodthirsty and abandoned criminals in the State are permitted to escape, often with very light, and sometimes with no punishment at all. If the defendant and his counsel will exercise ordinary diligence in the preparation of the case, I am satisfied, from years of experience at the bar, and upon the bench, that no reason exists why a trial should be delayed in any case, longer than the second term after the finding of the bill of indictment, unless it be for very special Providential cause.

The constitution of Georgia provides that all criminal cases "shall be tried in the county where the crime was committed." Since the State has been cut into small counties, it may often happen, in the most atrocious cases of murder, that a public investigation may be had, before the committing magistrate, or on a first trial before the Superior Court, which from some cause may not be final, in which, on account of the excitement in the community the evidence may be detailed in the hearing of nearly all the citizens of the county, subject to do jury duty, and at a subsequent term of the Court; it may, therefore, be impossible to get a jury, in the county, competent to try the case, and the criminal on that account may escape conviction and punishment. In view of the happening of such a contingency, I would most respectfully suggest an alteration of the constitution, so as to authorize the presiding Judge, in such cases—when in his opinion the ends of justice require it—to change the venue and order that the case be transferred to, and tried in, any adjoining county which he may designate; the county where the crime was committed to bear the expense of the trial, should it fall upon the county.

#### *Tax Laws.*

I beg leave to invite your attention to the suggestions contained in the able report of the Comptroller General, pointing out certain defects in our present tax laws, and proposing important amendments; also to valuable and interesting statistical information appended to the Report. By examination of this report it will be seen that the present tax on bank agencies, of other States, located in this State, is less than

the tax on bank capital in this State. This is a discrimination against our own banks, which is unjust and requires further legislation. If any discrimination between these agencies and our own banks is made, it should be in favor of the latter. It will also be seen that several of the Railroad Companies in this State, whose roads are in successful operation, pay no tax whatever, under the present law. Some which pay tax, and others which do not, are exempt by their charters from ever paying a tax of more than one half of one per cent. upon their net incomes. I refused my sanction to two bills chartering Railroad Companies at your last session, because the proposed charters contained this provision. I do not believe the State should ever yield her right to tax, to any extent her necessities may require, any and all property within her jurisdictional limits. Should it ever become necessary, on account of invasion or other public calamity, greatly to increase the revenue of the State, I can see no good reason why millions of property belonging to wealthy corporations within her borders, should, by imprudent and partial legislation, be exempt from bearing a just proportion of the public burdens, by being subjected to a nominal tax only.— And if there ever was any reason for granting such exemptions in the past, that reason no longer exists, since the building of railroads in our State has ceased to be an experiment. Therefore, I think such exemptions from taxation should not be extended or encouraged by future legislation. But as the public exigencies do not require high taxation at present, and as several of the most wealthy Railroad companies in the State have in their charters the provision before mentioned, I recommend that the tax, for the present, on all the companies in the State be made uniform, and that each be required to pay a tax of one-half of one per cent. on its net incomes, to be paid into the treasury each year without cost to the State.

I also recommend that a heavy tax be imposed upon each and every person who as commissioner, agent, trustee, or in any other capacity, shall be engaged in drawing any lottery or pretended lottery, or in selling lottery tickets within this State. It is time the moral sense of our people were aroused for the suppression of this deceptive, fraudulent and demoralizing practice, which encourages among the people a spirit of hazard and gambling, depriving them of large sums of money every year, which too often brings distress upon helpless women and children; while it pampers idle drones in society, who neither labor nor produce anything, but who grow rich by the credulity and misfortunes of others.

#### *The Military System.*

The attention of the Legislature has again and again been called to our defective Military system, and to the great neg-

lect to perform Military duty in the State. I doubt whether any recommendation which I could add would be of any service. At your last session, the usual appropriation for Military purposes was withheld; and after this decision by the Legislature; I did not feel it my duty to order a rigid enforcement of the military laws. The time may come, however, when we will have cause to deplore our present inactivity and lack of discipline and military spirit.

*The Boundary Line between Georgia and Florida.*

The Resolutions passed at your last session in reference to the boundary question, between the State of Georgia and the State of Florida, were communicated by me to the Governor of that State, soon after your adjournment. I received from his Excellency assurances of his desire for an early and amicable adjustment of the difficulty, with a promise to lay the resolutions before the Legislature of that State at its next session.

*Index to the Records of Plats.*

The index to the records of plats of lands granted under the law of head rights, had been kept up in the Surveyor General's office from 1737 to 1829, in a very large volume, which is now in a very mutilated condition. There is no index of plats issued since 1829. This is not the fault of the present laborious and faithful officer, who has charge of that department, as his predecessors for nearly thirty years had failed to keep up the Index. Believing it a matter of importance that the large number of books containing these very important records be indexed to the present time, I employed Maj. H. J. G. Williams, an excellent clerk of great exactness in comparing the records, and of laborious research, to copy the mutilated Index Book; supplying it wherever lost from the original records; and to extend it from 1829 to the present time. When completed, the whole will make 2 common sized volumes. I presume there can be no difference of opinion as to the propriety of preserving the public records in good condition. I recommend the passage of an act authorizing the Governor to draw his warrant, upon the treasury, for a sum sufficient to pay for the work when completed; and that three suitable persons be appointed to examine the work, and report its value to the Executive.

*The Agricultural Interests.*

While the State has made large appropriations, from time to time, for clearing out rivers, constructing railroads, and for the encouragement of commerce, and other pursuits, it is much to be regretted that so little has been done to encourage her great agricultural interests—upon which almost every other class is dependent for assistance and support. No other occupation is more useful than agriculture. No class

more honorable than our farmers, who, as a class, are honest and patriotic. They bear without a murmur their full share of the burdens of the government. Why then should they be longer denied their share in its benefits? I shall cordially co-operate with the General Assembly in any and all legislation, which will promote this great and vital interest. In this connection we should not forget the necessity which exists for the development of our great mineral resources. I trust the Legislature will authorize the appointment of a suitable geologist and chemist, to make a geological survey of the State, and a chemical analysis of the soil in different sections, so as to develop the mineral wealth of the State, and to determine the productions to which each kind of soil is best suited.

Many of the most intelligent and useful citizens of our State, devoted to her great agricultural and mechanical pursuits, are taking much interest in our agricultural fairs. The object of these exhibitions is to bring together as much as possible of the intelligence of our State in council, for the purpose of devising the best means for the advancement of agriculture, mechanics, &c. By awarding premiums, a generous rivalry is encouraged, which often causes valuable improvements, and leads to very useful discoveries. The ladies contribute much to the interest of these occasions by their presence, and the exhibition of magnificent specimens of their handwork. The fine arts are encouraged here. At these exhibitions planters and mechanics from different sections of the State are brought together, and valuable improvements made in one section become known to all. The fair grounds at Atlanta, where the meetings for the whole State are held, are in bad condition. I am informed that several of the States have made liberal appropriations to encourage these exhibitions. I think it good policy. I therefore recommend an appropriation sufficient to put the State fair grounds in good order, and to erect the necessary buildings; and that a small annual appropriation be made to keep up the exhibitions, in case the incomes of the society should be insufficient. I think the farmers and mechanics have a right to demand at least these small sums.

*Report of Senate Committee on W. & A. R. R.*

The committee appointed by the Senate at your last session to investigate the affairs of the Western & Atlantic Railroad, have made their report to me, as directed by the resolution of the Senate, with the request that I have it published in pamphlet form. In compliance with their request I have had 5,000 copies printed for distribution. Any number of the printed copies which may be desired by the General Assembly, or by the members for distribution among their constituents, will be furnished on application at the Executive office.



I cordially concur with the committee in their recommendation to place the defaulting agents upon the road on the same footing with tax collectors, so far as to authorize the Comptroller General to issue executions against each and every defaulter, and his securities, who does not, within a reasonable time after demand, pay into the Treasury of the Road the sum due by him, with authority to collect 20 per cent. on principal, from the time of the demand and refusal till paid. Legislation making the books of the Road legal evidence on the trial of cases in Court against defaulting agents, has long been needed.

The Committee were in session 50 days. Their task was a very laborious and responsible one. They have received no compensation for their services. I advanced from the contingent fund an amount only sufficient to pay their actual expenses. It is proper that an appropriation be made sufficient to compensate them liberally for the services rendered.

*The Financial Condition of the State.*

For a statement of the condition of the Treasury, I refer you to the report of Col. John B. Trippe, the vigilant and trustworthy officer who presides over that department. As Georgians we have much reason to be proud of the financial condition of our State, and of her high character abroad.—Probably the bonds of no other State in the Union are more current, or command a higher price in the market. Her people entertain a sense of honor that will never permit a stain to rest upon her proud escutcheon; and they will see to it that her high character is maintained. In consideration of her ability to pay, it may justly be said that her public debt is little more than nominal. Without reference to any other of her great resources, the Western and Atlantic Railroad will, in my opinion, command from eight to ten millions of dollars in the market, by the time the last instalment of the public debt is due. The whole debt does not amount to half that sum, and may, in a few years, be extinguished from the incomes of the Road alone.

The State, with from one to two millions of inhabitants, a large territory, a salubrious climate, immense mineral wealth, vast agricultural resources, and an extensive system of internal improvements, may then be out of debt, and in possession of ten millions of dollars worth of State property. And by the exercise of a little prudence and forecast in her legislation, she may also have a common school fund as large, and a standard of education as high as any State in the Union.

This is no fancy sketch. It is a conclusion drawn from facts. But I must turn from these proud anticipations of the

future greatness of our State, with the expression of the ardent hope that they may be much more than realized.

In closing this communication, I desire to join with the General Assembly in returning sincere thanks to Almighty God for the abundant mercies and rich blessings which have been poured out upon our beloved State since we separated.

There has been no lack of provisions in the land. The laborer of every class has been able to supply his necessities by the fruits of his labor. The barns of the husbandmen teem with plenty for both man and beast; and with the exception of the visitation of yellow fever upon the kind and hospitable inhabitants of our beautiful seaport city, Savannah, which I am happy to say has been less destructive than at former periods, though it has deprived her of some very valuable lives, (to the bereaved I tender my sincere condolence,) yet it may be said as truly as in any former year, that the devourer has been rebuked, and the pestilence which walketh in darkness has been stayed; while the Holy Spirit has been poured out, in many parts of our State, in more copious showers than in former years, causing the christian's heart to leap for joy and sing for gladness.

I earnestly invoke a continuation of these rich blessings upon the people of our beloved State; and trust they may never be unmindful of their constant dependence upon Him at whose bidding States and empires are created and destroyed.

JOSEPH E. BROWN.

Mr. Hill, of Harris, offered the following resolution, which was taken up, read, and agreed to:

*Resolved*, That three hundred copies of the Governor's message and accompanying documents be printed for the use of the Senate.

On motion leave of absence was granted to Mr. Tucker for a few days including to-day, on special business.

On motion leave of absence was also granted to Mr. Riley, of Taylor, for a few days after Saturday next.

Mr. Jarrard announced the death of the Hon. Edward Coffee, Senator from the county of Rabun, and offered the following resolutions, which were unanimously agreed to:

Whereas the Hon. Edward Coffee, at the time of his death, in 1858, was a member of this Senate—as a just tribute to his distinguished usefulness as a statesman and citizen,

*Be it Resolved*, That in the death of Edward Coffee, Rabun county has lost a faithful representative, his co-laborers a sincere friend, and the world an honest man.

*Resolved*, That the usual badge of mourning will be worn by us during the balance of the session of the General As-

sembly, and that copies of these resolutions be forwarded to the family of the deceased.

On motion of Mr. Thomas, the Senate then adjourned until 10 o'clock to-morrow morning.

At the request of the Speaker the following newly elected members came forward, presented their names, were qualified and took their seats, to-wit :

On motion of Mr. Harrison, of Chatham, which prevailed, the Speaker appointed John P. Cobb, Esq., of the county of Gilmer, Door-keeper pro. tem.

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THURSDAY, NOVEMBER 4th, 1858.

TEN O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Cone offered the following resolution.

*Resolved*, That so much of the Executive Message as relates to the Judiciary be referred to the Committee on the Judiciary; on Finance to the Committee on Finance; on Internal Improvement to the Committee on Internal Improvement; on Education and Free Schools to the Committee on public Education and Free Schools; on Banks to the Committee on Banks; on Penitentiary to the Committee on the Penitentiary; on the Lunatic Asylum to the Committee on the Lunatic Asylum; on the Military to the Committee on the Military; on Printing to the Committee on Printing; on the Deaf and Dumb Asylum to the Committee on the Deaf and Lumb Asylum; on the Institution for the Blind to the Committee on the Institution for the Blind; on Federal relations to the Committee on the State of the Republic.

On motion of Mr. Cone the foregoing resolution was taken up read and agreed to.

Mr. Cone moved that the President of the Senate be authorized to appoint the usual standing Committees of the Senate, which was agreed to.

Mr. Payne offered the following resolution which was taken up read and agreed to.

*Resolved*, That there be added to the standing Committees of the Senate on Engrossing Committee whose duty it shall be to compare the engrossed bills with the originals.

Mr. Harris of Merriwether offered the following resolution.

*Resolved*, That the Secretary of State be requested to furnish the Senate with all bills passed at the last session of the

Legislature altering or amending the Constitution of the State of Georgia.

Mr. Whitaker raised a point of order on the foregoing resolution upon which the President decided that the resolution was not out of order but that the present session could not pass those bills. The resolution was then taken up read and lost.

Mr. Dawson offered the following resolution which was taken up read and agreed to.

*Resolved*, That the rules governing the last session of the Senate be adopted for the government of the Senate and that 150 copies be printed for the use of the Senate.

Mr. Cooper offered the following resolution.

*Resolved*, That no new matter be received by the Senate after the 30th day of this month, during the present session of this Legislature, except by a vote of two thirds of the Senators present.

Mr. Beall introduced a bill to be entitled an act to lay out out and form a new county, out of the counties of Warren, Columbia, Richmond, Burke, Jefferson and Glasscock and to organize the same, which was read the first time.

Mr. Gordon offered the following resolution.

*Resolved*, That no county line shall be changed or any new county made or created unless by consent of the Senator from the county sought to be cut or dismembered.

Upon which resolution a point of order was raised and the President of the Senate decided to be unconstitutional and out of order.

The following message was received, from the Governor by Mr. McComb, his Secretary.

*Mr. President*:—I am directed by the Governor to transmit to the Senate, a communication in writing, together with the bills to which it relates.

Mr. Hill of Harris introduced a bill to be entitled an act to declare the true intent and meaning of an act entitled an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801.

And an act entitled an act supplementary to and more effectually to enforce an act prescribing the mode of manumitting slaves in this State, approved December 19th, 1818.

Which was read the first time.

Mr. Hill of Sumter introduced a bill to be entitled an act to authorize the Justices Courts for the districts herein named to be two held days in each month.

Which was read the first time.

Mr. Hill of Troup introduced a bill to be entitled an act to authorize the ordinary of Troup county to pass upon the application of the administrators of James M. Potts late of said county deceased, for leave to sell the land and negroes belong-

ing to said estate at an adjourned term of the Court of Ordinary for said county.

Which was read the first time.

Mr. Quillian introduced a bill to be entitled an act to aid and encourage the construction of the Eljay Railroad on certain conditions therein named.

Which was read the first time.

Mr. Ward of Butts raised a point of order on the foregoing bill which the President of the Senate decided as follows; that the bill was not a bill for the appropriation of money and could originate in this branch of the General Assembly.

Mr. Robinson of Talbot introduced a bill to be entitled an act for the relief of Lawson Cody of Chattahoochee county.

Which was read the first time.

Also a bill to be entitled an act to modify the first section of the act in relation to new trials, approved 20th, Feb. 1854.

Which was read the first time.

Mr. Shropshire introduced a bill to be entitled an act to lay off and organize a new county from the counties of Chattooga Walker and Gordon east of Taylor's Ridge.

Which was read the first time.

Mr. Shepherd introduced a bill to be entitled an act to alter and amend the first section of the third article of the Constitution of the State of Georgia.

Which was read the first time.

Mr. Slaughter introduced a bill to be entitled an act to define the liability of drawers of bills of exchange, checks, drafts and orders and to place them upon the footing of joint promissors.

Which was read the first time.

Mr. Smith of Hancock introduced a bill to be entitled an act to legalize the time of the sitting of the Superior Court of the county of Glascock and also to make legal the adjournment of said Court and to change the time for the holding of same.

Which was read the first time.

Mr. Stubbs introduced a bill to be entitled an act to alter and amend the first section of the third article of the Constitution of this State.

Which was read the first time.

Also a bill to be entitled an act for the better government of the Western and Atlantic Railroad, to secure fidelity in its fiscal agents and all other persons indebted to said road and to prevent as far as possible fruitless and expensive litigation and for other purposes.

Which was read the first time.

Also a bill to be entitled an act to increase the salary of the Superintendent of the Western and Atlantic Railroad.

Which was read the first time.

Also a bill to be entitled an act to require the Judges of the Superior Courts of this State to alternate and hold the terms of the Superior Courts of this State as hereinafter directed and to provide additional compensation for the same.

Which was read the first time.

Also a bill to be entitled an act to alter and amend the first section of the third article of the Constitution of this State and the amendment thereto approved December 5th, 1851, as to the Inferior Courts and Courts of Ordinary of this State.

Which was read the first time.

Also a bill to be entitled an act to amend an act to incorporate the Macon Insurance Company in the city of Macon and to strike out the proviso in the same.

Which was read the first time.

Also a bill to be entitled an act for the relief of Mrs. Mary Francis Nunar.

Which was read the first time.

Also a bill to be entitled an act to encourage the intelligent indigent youth of this State and to provide a corps of competent school teachers

Which was read the first time.

And offered the following resolution:

*Resolved,* That the committee on enrollment be requested to report to the Senate whether the original bills as passed the Senate are transmitted to the House of Representatives or whether copies are made and such copies transmitted and whether errors and inaccuracies arise from such course and be requested to report what in relation thereto would best subserve the public interests.

Mr. Johnson of Fayette introduced a bill to be entitled an act to lay off and organize a new county out of the counties of Henry and Fayette to be called Butler county to attach the same to the Judicial circuit, to the fourth Congressional district and to the———Brigade and———division Georgia Militia and to locate the county site of the same and for other purposes herein mentioned.

Which was read the first time.

Mr. West introduced a bill to be entitled an act to lay out and organize a new county from the counties of Lowndes and Thomas and for other purposes therein specified.

Which was read the first time.

Mr. Whitaker introduced a bill to be entitled an act to repeal an act entitled an act to prohibit non residents from hunting ducking and fishing within the limits of the State of Georgia and assented to the 22d of December 1857.

Which was read the first time.

On motion of Mr. Young of Union the Senate then adjourned until half past 2 O'clock P. M.

EVENING SESSION 2½ O'CLOCK, P. M.

The Senate met according to adjournment.

Mr. Mallard offered the following resolution which was taken up read and agreed to.

*Resolved*, That a committee of three be appointed to wait upon his Excellency the Governor and the Trustees of the University of Georgia and inform them that the Senate is ready to receive them and resolve itself into *Senatus Academicus*.

In pursuance of which the President appointed Messrs. Mallard, Harris of Merriwether and Slaughter.

The committee appointed to wait on his Excellency the Governor and the Trustees of the State University having discharged the duty assigned them reported that his Excellency the Governor and Board of Trustees were ready to attend.

His Excellency the Governor the President and Board of Trustees then appeared and took their seats.

The *Senatus Academicus* spent some time in the transaction of its ordinary business and adjourned until 10 o'clock to-morrow morning, his Excellency the Governor and Board of Trustees retired and the Senate resumed its session.

On motion of Mr. Colquitt the Senate adjourned until 10 o'clock to-morrow morning.

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FRIDAY, NOVEMBER 5th. 1858.

TEN O'CLOCK, A. M.

The Senate met according to adjournment.

On motion of Mr. Whitaker, the Hon. John B. Wilcoxson, Senator elect from the county of Coweta, presented his credentials and was sworn agreeably to the Constitution of this State, and to support the Constitution of the United States, by the President of the Senate, and took his seat.

Mr. Slaughter offered the following resolution:

*Resolved*, That Senators be allowed until the twentieth day of the present month to make out their reports of the State of Education in their respective counties, and that this resolution be laid before the *Senatus Academicus* by the President of the Senate.

Upon which Mr. Whitaker raised a point of order; the President of the Senate decided the resolution to be out of order, the same being a proper subject-matter for the consideration of the *Senatus Academicus*.

Leave of absence was granted to Mr. Byrd for a few days

Mr. Ward of Butts, offered the following resolution, which was taken up, read and agreed to :

*Resolved*, That the Chair appoint a committee of three to wait upon his Excellency the Governor, and Board of Trustees of the University of Georgia, and inform them that the Senate is ready to receive them and resolve itself into a *Senatus Academicus*.

In pursuance of which the President appointed Messrs. Ward of Butts, Dawson and Wilcoxson.

The committee appointed to wait upon his Excellency the Governor, and the Trustees of the University of the State, having discharged the duty assigned them, reported that his Excellency the Governor and the Board of Trustees were ready to attend.

His Excellency the Governor, the President and Board of Trustees appeared and took their seats.

The *Senatus Academicus* having spent some time in the transaction of its ordinary business, adjourned until 26th day of the present month.

His Excellency the Governor and Board of Trustees of the State University then retired and the Senate resumed its session.

The President of the Senate reported the action of the *Senatus Academicus*, which on motion of Mr. Whitaker, was ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. Cone, the following communication in writing from his Excellency the Governor, was taken up and read :

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, November 4th, 1858.

I herewith return to the Senate, where they originated, certain bills passed by both branches of the General Assembly at your last session, and which were presented for my sanction too late to afford me an opportunity to return them at that time, with my objections to the same.

I withheld my sanction from the following, viz : a bill to be entitled "An Act to incorporate the Richmond Gas Light Company of Augusta, Georgia, and other Gas Light Companies, and to confer certain privileges on the same;" a bill to be entitled "An Act to incorporate the Georgia Insurance Company;" a bill to be entitled "An Act to incorporate the Savannah Flour Exporting Mill Company;" a bill to be entitled "An Act amendatory of an act entitled an act to incorporate Ocmulgee Mills," and a bill to be entitled "An Act to incorporate the Marietta Paper Mill Company, and for other purposes," because they were intended as acts creating or amending the charters of moneyed corporations, without limit as to time of duration, and without any provision in any



one of them, that the individual stockholders should be liable for the debts of the corporation in the event of its becoming insolvent at any future time. I am of opinion a provision should be inserted in every charter of a corporation intended to transact business of a character by which it may become involved in debt, making the individual stockholders liable for the payment of its debts. Otherwise, in case of wild speculation or bad management on the part of the corporators, causing the insolvency of the company, its creditors would be left without remedy. And I would here again respectfully suggest the propriety of inserting in every charter to be granted in future, a section reserving to the legislature the right to repeal, alter or modify the charter at such times and in such manner, as in the opinion of the legislature the necessities of the State, or the public good, may require. No one applying for a charter should be heard if he refuse to trust the legislature with this power.

I did not approve the following, viz: a bill to be entitled "An Act to incorporate a Bank in the city of Atlanta, Fulton county, Ga., to be called the City Bank of Atlanta, and also to incorporate a Bank in the town of Cartersville, Ga., to be known as the Bank of Cartersville;" a bill to be entitled "An Act to amend an act incorporating the Commercial Bank of Brunswick, approved March 5th, 1856," and a bill to be entitled "An Act incorporating the Houston Flour Exporting and Banking Company, and also the Winter's Palace Mills and Banking Company, and conferring certain powers and privileges on the same," for the reasons given in my message to the House of Representatives when I returned thereto the bill to be entitled an act to incorporate the Bank of Upson. While all the reasons therein given do not apply to each of these bills, yet some one or more of those objections do apply with equal force to each of these.

From the following two, to be entitled severally, "An Act to incorporate the Fort Valley and Atlantic Railroad Company, and to punish persons for violating the provisions of the same," and "An Act to incorporate a Railroad Company to be called the Bainbridge and Northern Railroad Company, and to amend an act to incorporate the St. Marys Railroad Company, approved March 3d, 1856, and for other purposes," I withheld my sanction for the reason that the charter proposed to be granted to each of said companies limited the right of the State to tax in future the property of the corporation *above one half of one per cent. upon its net incomes*. It is true, this exemption from taxation over a certain per cent. on their *net incomes*, has heretofore been granted to several of our Railroad Companies; but I see no sufficient reason why the State should relinquish or limit her right to tax the property of Railroad Companies as her necessities may in future require, which would not apply in favor of any other

class of corporations: nor do I see any reason why this privilege should be granted to any corporation whatever, and at the same time be denied to individuals. I do not believe this privilege should be further extended. It would certainly be more equitable and just that the property of all corporations as well as that of individuals, should remain alike subject to taxation at the will of the legislature.

I also refused my sanction to the bill to be entitled "An Act to incorporate the Carroll Mining Company, The Waldroupe Mining Company, The Hill Mining Company, and the Wickham Mining Company, and to grant mining privileges to other persons therein mentioned," because the bill, had it become a law, would have granted to the last named persons therein, mining privileges in twenty-five miles, in length, of the bed of the Chattahoochee River, now the property of the State, without a dollar of consideration.

I could not approve the two following bills, viz: a bill to be entitled "An Act to amend an act entitled an act to point out the mode of ascertaining the relief and support to which widows or orphans are entitled out of the estates of their deceased husbands and parents, in cases where letters testamentary or administrations shall hereafter be granted, and for other purposes, approved February 19, 1856, so as to allow an appeal from the returns of the appraisers and the judgment of the Ordinary therein as in other cases," and a bill to be entitled "An Act to incorporate an Insurance Company to be called the 'Merchants and Mechanics Mutual Insurance Company' of the City of Macon," because they were not signed by the Speaker of the House of Representatives, as required by the sixteenth section of the first article of the Constitution of this State.

JOSEPH E. BROWN.

Mr. Mallard offered the following resolution which was taken up, read and agreed to.

*Resolved*, That 500 copies of the report of the President of the State University that was referred to the Senate by the *Senatus Academicus* be printed for the use of the Senate.

The following bills were taken up severally, read the second time and referred to the Committee of the Whole, to-wit:

A bill to be entitled an act to authorize the Justices Courts for the Districts herein named to be held two days in each month.

Also a bill to be entitled an act to authorize the Ordinary of Troup county to pass upon the application of the administrators of James Potts, late of said county deceased, for leave to sell the land and negroes belonging to said estate at an adjourned term of the Court of Ordinary for said county.

Also a bill to be entitled an act for the relief of Lawson Cody of Chattahoochee county.

Also a bill to be entitled an act to legalize the time of the sitting of the Superior Court of the county of Glascock, and also to make legal the adjournment of said Court and to change the time for the holding of the same.

Also a bill to be entitled an act to aid and encourage the construction of the Ellijay Railroad on certain conditions therein named.

Also a bill to be entitled an act for the better government of the Western and Atlantic Railroad, to secure fidelity in its fiscal agents, and all other persons indebted to said Road, and to prevent, as far as possible, fruitless and expensive litigation, and for other purposes.

Also a bill to be entitled, an act to define the liability of drawers of bills of exchange, checks, drafts, and orders, and to place them upon the footing of joint promissors.

Also a bill to be entitled, an act to increase the salary of the Superintendent of the Western and Atlantic Railroad.

Also a bill to be entitled, an act to require the Judges of the Superior Courts of this State to alternate and hold the terms of the Superior Courts of this State as hereinafter directed, and to provide additional compensation for the same.

Also a bill to be entitled, an act to alter and amend the first section of the third article of the Constitution of this State and the amendment thereto, approved December 5th, 1851 as to the Inferior Courts and Courts of Ordinary of this State.

Also a bill to be entitled, an act to amend an act entitled an act to incorporate the Macon Insurance Company in the city of Macon, and to strike out a proviso in the same.

Also a bill to be entitled, an act for the relief of Frances Nunar.

Also a bill to be entitled, an act to repeal an act to prohibit non-residents from hunting, ducking and fishing within the limits of the State of Georgia.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

*Mr. President* :—I am directed to inform the Senate that the House of Representatives have agreed to a joint Resolution requesting our Senators and Representatives in Congress to use their best efforts to procure a certain "Two Horse Mail Line" therein mentioned.

Also that they have agreed to joint Resolutions in reference to the death of the Hon. Jesse M. Jones, member elect from the county of Warren. Also in reference to the death of Hon. Jacob W. Moore, member elect from the county of Glynn. Also in reference to the death of Hon. George A. Julian, member elect from the county of Forsyth.

Also a resolution in reference to the introduction of new matter in each branch of the General Assembly after 1st December next, to which they ask the concurrence of the Senate.

The following bills were taken up severally, read the second time and referred to the committee on the Judiciary, to wit:

A bill to be entitled, an act to declare the true intent and meaning of "an act entitled an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801." And an act entitled an act supplementary to and more effectually to enforce an act prescribing the mode of manumitting slaves in this State, approved December 19th, 1818.

Also a bill to be entitled, an act to modify the first section of the act in relation to new trials, approved 20th February, 1854.

Also a bill to be entitled, an act to alter and amend the first section of the third article of the Constitution of the State of Georgia.

The following bills were taken up, severally read the second time and referred to the committee on New Counties and county lines, to wit:

A bill to be entitled, an act to lay out and form a new county out of the counties of Warren, Columbia, Richmond, Burke, Jefferson and Glascock, and to organize the same.

Also a bill to be entitled, an act to lay off and organize a new county from the counties of Chattooga, Walker and Gordon, east of Taylor's Ridge.

Also a bill to be entitled, an act to lay off and organize a new county out of the counties of Henry and Fayette, to be called Butler county, to attach the same to ——— Judicial Circuit, to the fourth Congressional District and to the ——— Brigade and ——— Division Georgia Militia and to locate the county site of the same, and for other purposes herein mentioned.

Also a bill to be entitled, an act to lay out and organize a new county from the counties of Lowndes and Thomas, and for other purposes therein specified.

Mr. Briscoe moved that the rules be suspended for the purpose of introducing a bill, which was agreed to.

Mr. Briscoe introduced a bill to be entitled, an act to repeal an act amendatory of the several Acts of force in reference to the corporation of the city of Milledgeville, assented to December 22d, 1857, which was read the second time.

Mr. Atkinson moved that the rules be suspended for the purpose of introducing a bill, which was agreed to.

Mr. Atkinson introduced a bill to be entitled, an act to alter the eleventh section of the Constitution of this State.

On motion of Mr. Harris of Worth, the Senate then adjourned until 10 o'clock to-morrow morning.

*SATURDAY, NOVEMBER 6th, 1858.*

TEN O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Arnett introduced a bill to be entitled an act to authorize Charles A. Eagerton, an infirm man of the county of Decatur, to peddle without paying a tax for the same.

Which was read the first time.

Mr. Arnold introduced a bill to be entitled an act to change the county line between Henry and DeKalb counties.

Which was read the first time.

Mr. Ashley introduced a bill to be entitled an act to change the line between the counties of Coffee and Irwin.

Which was read the first time.

Mr. Atkinson introduced a bill to be entitled an act to repeal an act entitled an act to appropriate certain hands to do road duty on the West side of the old Post Road and North of the Satilla river, in Camden county, approved January 26th, 1850, and for other purposes.

Which was read the first time.

Mr. Banks introduced a bill to be entitled an act authorizing the holding of the Justices Courts for the 44th district of Hall county two days and for other purposes.

Which was read the first time.

Mr. Bloodworth of Carroll, introduced a bill to be entitled an act to alter and amend the 3d section of the 1st article of the Constitution of the State of Georgia.

Which was read the first time.

Mr. Bloodworth of Pike, introduced a bill to be entitled an act to collect interest on open accounts in this State after they are due, and to fix the time when they shall fall due, where the same is not agreed upon by the parties.

Which was read the first time.

Mr. Bloodworth of Pike, introduced a bill to be entitled an act to alter and amend the laws of this State in relation to notices to be given by insolvent debtors to their creditors.

Which was read the first time.

Mr. Bush introduced a bill to be entitled an act to define the county line dividing the counties of Miller and Early.

Which was read the first time.

Mr. Cumbie introduced a bill to be entitled an act to incorporate the town of Camilla in the county of Mitchell, and to provide for the election of President, Councilmen, Marshal and Treasurer for the same, and for other purposes therein mentioned.

Which was read the first time.

Mr. Brown introduced a bill to be entitled an act to amend an act to regulate the rate of Tavern license in this State, approved December 19th, 1809.

Also, to amend an act further to regulate the granting of Retail License and sale of spirituous liquors, assented to December 29, 1838; so as to authorize the grand jurors of the several counties of this State to fix the sale of Retail License; and to provide a punishment for a violation of the same.

Which was read the first time.

Mr. Felton introduced a bill to be entitled an act to change the lines between the counties of Macon and Sumpter, so as to add Mr. R. Smith of the county of Sumpter to the county of Macon.

Which was read the first time.

Mr. Fields offered the following resolution:

*Resolved*, That the Senate entertain no bill during this session to incorporate churches, camp grounds, academies, school houses, volunteer companies, military companies, theater companies, hotel ice companies, bridge and ferry companies; inasmuch as the Legislature of this State in the year 1843 passed an act delegating the power to the Judges of the Superior and Inferior Courts of the several counties of this State to grant such incorporations as is above stated in this resolution.

Mr. Graham introduced a bill to be entitled an act to require the Justices of the Peace of the several districts of the county of Dawson to make additional returns of all poor children between the ages of six and eighteen in their district for the year 1858.

Which was read the first time.

Mr. Guerry introduced a bill to be entitled an act to lay out and organize a new county from the counties of Stewart and Randolph, and for other purposes.

Which was read the first time.

Mr. Bloodworth of Pike, introduced a bill to be entitled an act to authorize the Justices of the Peace in any militia district in this State to adjourn their Courts from day to day, or to hold Court two or more days in each month, when the business of any of their Courts require it,

Which was read the first time.

Mr. Harris of Meriwether, offered the following resolution: Whereas, the last session of the General Assembly adop-

ted a resolution calling upon our Representatives in Congress to procure the establishment of a National Armory within the limits of the State of Georgia: And whereas such law has not been enacted, and it being the sense of this General Assembly, that it is demanded by the rights and interest of the State of Georgia as well as the entire Southern country:

*Therefore be it resolved,* That our Senators in Congress be most respectfully but earnestly instructed, and our Representatives requested to use their best efforts to procure the passage of a law establishing a National Armory on the line of the Western and Atlantic Railroad, or at such other locality as in their judgment will best promote the interests of the State of Georgia, and of the Southern country.

Mr. Hill of Harris, introduced a bill to be entitled an act to allow bail to slaves and free persons of color, who have or may commit offences against the laws of this State, and for other purposes.

Which was read the first time.

Mr. Harris of Worth, introduced a bill to be entitled an act to increase the salaries of Solicitors of this State.

Which was read the first time.

Mr. Lockhart introduced a bill to be entitled an act to confer certain rights and powers on the Justices of the Inferior Court of the county of Lincoln.

Which was read the first time.

Mr. Jossey introduced a bill to be entitled an act to change the county line between the counties of Spalding and Buftts.

Which was read the first time.

Mr. Mallard introduced a bill to be entitled an act to incorporate the Presbyterian church of Walthoursville, in Liberty county.

Which was read the first time.

Mr. Cone raised a point of order on the foregoing bill, which the President of the Senate, decided as follows: That there is no rule or resolution of this session of the Senate, preventing the Senate from entertaining the bill, and therefore it was not out of order to receive it.

Mr. McDuffie introduced a bill to be entitled an act to incorporate the Fort Valley and Atlantic Railroad Company and to prevent persons from violating the same.

Which was read the first time.

Mr. Paine introduced a bill to be entitled an act to amend the act to change and simplify the practice and pleadings in this State, approved February 20th, 1854.

Which was read the first time.

Mr. Riley of Lumpkin, introduced a bill to be entitled an act to amend the third section of the first article of the Constitution of the State of Georgia.

Which was read the first time.

Also a bill to be entitled an act to incorporate the town of Dahlonega, in the county of Lumpkin, and provide for the election of commissioners for the same, and for other purposes therein mentioned.

Which was read the first time.

Mr. Shepherd introduced a bill to be entitled an act for the relief of Daniel Majors and Elizabeth Francis Norman of the county of Webster

Which was read the first time.

Mr. Smith of Hancock, introduced a bill to be entitled an act to incorporate Washington Institute a high school, organized by the Washington Association, and located in Hancock county, and appoint trustees for the same.

Which was read the first time.

Mr. Staten introduced a bill to be entitled an act to change the time of holding the Inferior Court in the county of Clinch.

Which was read the first time.

Mr. Stubbs introduced a bill to be entitled an act to incorporate the Western and Atlantic Railroad Company of the State of Georgia, and to require the Governor to lease to said company the Western and Atlantic Railroad.

Which was read the first time.

On motion of Mr. Cone, 200 copies of the foregoing bill and accompanying document were ordered to be printed for the use of the Senate.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

*Mr. President:*—I am directed to inform the Senate that the House of Representatives have passed a bill to be entitled, an act to appropriate money for the payment of such Judges of the Superior and Supreme Courts as hold commissions bearing date subsequent to the passage of the act at the last session of the General Assembly raising the salaries of those officers and for the payment of certain sums of money herein named to R. K. Hines and Wm. M. Reese.

Also a bill for the relief of John Green and Rebecca Green of the county of Bibb, from the pains and penalty of bigamy or adultery, and for other purposes; also a bill to be entitled, an act to confer certain powers upon persons therein named, and authorize a settlement between them.

Mr. Sutton introduced a bill to be entitled, an act to allow the Justices of the Inferior Court of Dade county to levy and collect a poor tax for said county not to exceed twenty per cent. on the general tax, which was read the first time.

Also a bill to be entitled, an act to allow the Wilkes Valley Railroad Company the privilege of issuing and using an order for the purpose of facilitating the building of said Road or accommodating the stockholders of the Company.

Which was read the first time.

Mr. Tate introduced a bill to be entitled, an act to author-



ize the Justices of the Inferior Court of Pickens county to levy and collect an extra tax for the purpose of paying the county debt created by building the court-house in said county, which was read the first time.

Also a bill entitled, an act to repeal an act entitled an act to compensate the Grand and Petit Jurors for the county of Pickens, and to authorize the Justices of the Inferior Court to levy an extra tax for that purpose, and to extend the provisions of the act to other counties therein named, approved March 6th, 1856, so far as respects Pickens county.

Which was read the first time.

Mr. Bloodworth of Pike introduced a bill to be entitled, an act to incorporate the Presbyterian Church at Friendship in the county of Pike, and to appoint trustees for the same.

Which was read the first time.

Mr. Thomas introduced a bill to be entitled, an act to incorporate the Gwinett Manufacturing Company of the county of Gwinett, and to define the rights, privileges and liabilities of the same.

Which was read the first time.

Mr. Worthen introduced a bill to be entitled, an act to alter, change and amend the second section of an act to incorporate and confer certain powers and privileges upon the Sandersville Hotel Company, the Pioneer Hook and Ladder Company and the Church Asylum of Augusta, approved March 5th, 1856.

Which was read the first time.

Mr. Beall introduced a bill to be entitled, an act to repeal an act approved Feb. 15th, 1854, to extend the provisions of an act regulating the fees of Magistrates and Constables, &c., so far as relates to the county of Warren.

Which was read the first time.

Mr. Webb introduced a bill to be entitled, an act to change the line between the counties of Stewart and Chattahoochee so far as to include lots of land numbers one hundred and nine, one hundred and ten, one hundred and fifteen and one hundred and sixteen in the thirty-second district of originally Lee now Stewart county, in the county of Chattahoochee.

Which was read the first time.

Mr. Harris of Worth, introduced a bill to be entitled, an act to require the fees of the clerk of the Superior Court of the county of Worth for the recording of deeds or other conveyances to be paid in advance.

Which was read the first time.

Mr. Slaughter introduced a bill to be entitled, an act to exempt contractors, their hands and employees on the Atlantic and Gulf Railroad from common Road duty in the several counties on the line of said Railroad.

Which was read the first time.

Mr. Mathews introduced a bill to be entitled, an act act to

incorporate a corps of infantry in the town of Fort Valley, and to confer certain privileges upon the same.

Which was read the first time.

Also a bill to be entitled an act to aid and encourage the construction of the Georgia Air Line Railroad on certain conditions therein named.

Which was read the first time.

Mr. Whitaker introduced a bill to be entitled, an act to incorporate a bank in the city of Atlanta to be called the Railroad City Bank.

Which was read the first time.

Mr. McDonald introduced the following resolution :

*Resolved*, That the committee on the Judiciary are requested to take into consideration the expediency or propriety of abolishing the Penitentiary, and report thereon by bill or otherwise at their earliest convenience.

Mr. McDuffie introduced a bill to be entitled, an act to change the time of holding the Superior Courts in the counties of Wilcox, Telfair, Irwin and Berrien, in the Southern Circuit.

Which was read the first time.

Mr. Young of Irwin, introduced a bill to be entitled, an act to cause and compel the owner or owners of lots of land lying and being in the county of Irwin to return a list of their numbers of land to the Clerk of the Superior Court of said county in each and every year.

Which was read the first time.

Mr. Wilcher introduced a bill to be entitled, an act to legalize and make valid the Sheriff's bond of the county of Glascock.

Which was read the first time.

On motion of Mr. Cone the joint resolutions of the House of Representatives in relation to the Hon. George H. Julian Representative from the county of Forsyth, the Hon. Jesse M. Jones, Representative from the county of Warren, and the Hon. Jacob W. Moore, Representative from the county of Glynn, were severally taken up, read and concurred in.

The President announced the appointment, in pursuance of a resolution of the Senate, of the following standing committees, to wit :

*On Privileges and Elections.*—Arnold, Ward, Robinson of Laurens, Cooper, Webb, Wilcoxen and Holcombe.

*On Petitions.*—Hill of Harris, Lockhart, Carlton, Mattox, Bloodworth of Carroll, and Donaldson.

*On Enrollment.*—Briscoe, Strickland, Reynolds, Crowder, Payne, Hixon and Fields.

*On Journals.*—Knox, Stubbs, Morrell, Shropshire, Arnett, Young of Union, McDonald and Wilcher.

*On the state of the Republic.*—Whitaker, Brown, Tucker, Billups, Ward, Young of Union, Dawson, Fields, Briscoe,

Spalding, Gholston, Morrell, Tison, Slaughter, Thomas, Gibson and Cone.

*On the Judiciary.*—Tucker, Stubbs, Banks, Mounger, Hill of Harris, Slaughter, Whitaker, McConnell, Gibson, Paine, Thomas and Colquitt.

*On Finance.*—Guerry, Johnson of Forsyth, Smith of Hancock, Reynolds, Shropshire, Hill of Harris, Lockhart, Castleberry, Hammond, Bush, Byrd, Griffin of Twiggs, Strippling, Price, Griffin of Calhoun, and Paine.

*On Internal Improvements.*—Cooper, Strickland, Atkinson, Jameson, Bartlett, Quillian, Hill of Troup, Robinson of Talbot, Browning, McDuffie, Dawson, Knox, Stubbs, and Colquitt and Banks.

*On Public Education and Free Schools.*—Mallard, Carlton, Price, Roberts of Cobb, Billups, Fambro, Stowers, Stokes, Williams of White, and Graham.

*On Banks.*—Ward, Johnson of Fayette, Spalding, Knox, Jossey, Gibson, Stubbs, Marshall, Harris of Worth, Pope, Edmondson, Harris of Merriwether, and Arnold.

*On New Counties and County Lines.*—Harris of Worth, Hammond, Johnson of Fayette, Fields, Adams of Rabun, and Bozeman.

*On the Penitentiary.*—Gholston, Thomas, Humphries, Griffin of Twiggs, Browning, Drake, Bryan, Hill of Sumter, Jarrard, Crowder, Darden, McDonald, Westbrooks, Stubbs and Price.

*On the Lunatic Asylum.*—Hill of Troup, Young of Union, McDuffie, Guerry, Carlton, Smith of Hancock, Matthews, Briscoe, Hart and Cumbie.

*On the Military.*—Cone, Beall, Graham, Adams of Elbert, Harris of Walton, Gordon, Felton, Neal, Robinson of Laurens, Hays, Johnson of Paulding, Turner, and Riley of Lumpkin.

*On Printing.*—Mounger, Fambro, West, Overstreet, Reid, Smith of Jefferson, Williams of Terrell, Bennett, Treadwell, Bullard, McRae, Fain, and Griffin of Calhoun.

*Committee to Examine Physicians.*—Young, Cochran, Hill of Troup, Matthews and Gordon.

*On Deaf and Dumb Asylum.*—Cochran, McGuire, Bloodworth of Pike, Wooten, Sutton, Pope, Roberts, Shepherd, Billups, Riley, of Taylor, Collier, Darden, and Hill of Harris.

*On the Institution for the Blind.*—Harris of Merriwether, Matthews, Williams of Bertien, Arnett, Walker, Neal, Webb, Ashley, Staten, Akins and Tate.

*On Amendments to the Constitution.*—Cone, Gibson, Slaughter, Strickland, Fambro and Colquitt.

*Auditing Committee.*—Reynolds, Young of Union, Arnold, Cone, Brown and Jossey.

*Engrossing Committee.*—Paine, Arnold, Colquitt, Ghol-

ston, McRae, Walker, Willsams of Terrell, Bloodworth of Pike, Knox, Young of Irwin, and Graham.

On motion of Mr. Cone the joint resolution of the House of Representatives in relation to a two horse mail line from Elizay via Jasper to Canton in Cherokee county was taken up and read.

Mr. Cone moved to amend said resolution by adding the following words thereto, to wit:

Also a weekly one horse Mail from Eden P. O., Effingham county, to Harvilleville, Bulloch county, via Brauham's Store in Bulloch county.

Which was agreed to.

The Senate then concurred in the resolution as amended.

Leave of absence was granted to Messrs. Stubbs, Morrell, and the Hon John E. Ward, President of the Senate, for a few days after to-day.

On motion of Mr. Cone the Senate then adjourned until 10 o'clock Monday morning next.

MONDAY, NOVEMBER 8<sup>th</sup> 1858.

TEN O'CLOCK, A. M.

The Senate met according to adjournment.

The Hon. William M. Brown, President *pro tempore*, in the chair.

On motion of Mr. Arnold 150 copies of the Standing Committees of the Senate were ordered to be printed for the use of the Senate.

On motion leave of absence was granted to Messrs. Neill and Tison for a few days.

On motion of Mr. Crowder the rules were suspended and the following bill of the House of Representatives was taken up and read the first time, viz:

A bill to be entitled an act to confer certain powers upon persons therein named, and authorize a settlement between them.

On motion of Mr. Mallard the rules were further suspended, and the following bill of the Senate was taken up read the second time and referred to the Committee of the Whole, to-wit:

A bill to be entitled an act to incorporate the Presbyterian Church of Walhousville in Liberty county.

On motion of Mr. Briscoe the rules were further suspended, and the following bill of the Senate was taken up read the second time and referred to the Committee of the Whole:

A bill to be entitled an act to repeal an act amendatory of the several acts of force in reference to the corporation of the city of Milledgeville, assented to December 22d, 1857.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to authorize the Ordinary of Troup county to pass upon the application of the administrators of James M. Potts, late of said county, deceased, for leave to sell the land and negroes belonging to said estate, at an adjourned term of the Court of Ordinary for said county.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Hill of Troup, the foregoing bill was ordered to be forthwith transmitted to the House of Representatives.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to aid and encourage the construction of the Elijay Railroad on certain conditions therein named.

Which on motion of Dawson was referred to the Committee on Internal Improvement.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act for the relief of Lawson Cody of Chattahoochee county.

Mr. Gordon moved to amend the report by adding a section to said bill and changing the caption thereof accordingly.

Which was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to legalize the time of the sitting of the Superior Court of the county of Glasscock, and also to make legal the adjournments of said Court, and to change the time for the holding of the same.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Smith of Hancock, the foregoing bill was ordered to be forthwith transmitted to the House of Representatives.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act for the relief of Mrs. Mary Frances Nunar.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to repeal an act to prohibit non-residents from hunting, ducking, and fishing within the limits of the State of Georgia, assented to the 22d day of December, 1857.

Mr. Hart moved to amend the report by adding a proviso to said bill.

Which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The following bills of the Senate were taken up severally, read the second time and referred to the Committee of the Whole:

A bill to be entitled an act to authorize Charles A. Eager-ton, an infirm man, of the county of Decatur, to peddle without paying a tax for the same.

Also, a bill to be entitled an act to repeal an act entitled an act to appropriate certain lands to do road duty on the west side of the old Post Road and north of the Satilla river in Camden county, approved January 26th, 1850, and for other purposes.

Also, a bill to be entitled an act to authorize the holding of the Justices Court for the 411th district of Hall county, two days, and for other purposes.

Also, a bill to be entitled an act to alter a portion of the third section of the first article of the Constitution.

Also, a bill to be entitled an act to collect interest on open accounts in this State after they are due, and to fix the time when accounts shall fall due when the same is not agreed upon by the parties.

Also, a bill to be entitled an act to incorporate the town of Camilla, in the county of Mitchell, and to provide for the election of president, councilmen, treasurer, and marshal for the same, and for other purposes therein mentioned.

Also, a bill to be entitled an act to amend an act entitled an act to regulate the rates of tavern licenses in this State, approved December 15th, 1809. Also, to amend an act further to regulate the granting of retail license and sale of spirituous liquors, assented to 29th December, 1838, so as to authorize the grand juries in the several counties in this State to fix the rates for retail license and to provide a punishment for a violation of the same.

Also, a bill to be entitled an act to authorize the Justices of the Peace in any militia district in this State to adjourn their Courts from day to day, or to hold Court two or more days in each month whenever the business of their Courts requires it.

Also, a bill to be entitled an act to confer certain rights and powers on the Justices of the Inferior Court of the county of

Lincoln, in relation to granting license to retail liquors and to keeping tippling houses.

Also a bill to be entitled an act to incorporate the Fort Valley and Atlantic Railroad Company, and to prevent persons from violating the same.

Also, a bill to be entitled an act to incorporate the town of Dahlonega, in the county of Lumpkin, and provide for the election of commissioners for the same, and for other purposes therein mentioned.

Also, a bill to be entitled an act for the relief of Daniel Majors and Elizabeth Frances Norman of the county of Webster.

Also, a bill to be entitled an act to incorporate Washington Institute, a high school organized by the Washington Association, and located in Hancock county, and appoint trustees for the same.

Also, a bill to be entitled an act to change the time of holding the Inferior Courts in the county of Clinch.

Also, a bill to be entitled an act to allow the Justices of the Inferior Court of Dade County to levy and collect a poor tax for said county, not to exceed twenty per cent on the general tax.

Also, a bill to be entitled an act to allow the Wills' Valley Railroad Company the privilege of issuing and using an order for the purpose of facilitating the building of said road, or accommodating the stockholders of the company.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Pickens county to levy and collect an extra tax for the purpose of paying the county debt created by building the court house in said county.

Also a bill to be entitled an act to repeal an act entitled an act to compensate the grand and petit jurors for the county of Pickens, and to authorize the Justices of the Inferior Court to levy an extra tax for that purpose, and to extend the provisions of this act to other counties therein named, approved March 6th, 1856, so far as respects Pickens county.

Also, a bill to be entitled an act to incorporate the Presbyterian Church at Friendship in the county of Pike, and to appoint trustees for the same.

Also, a bill to be entitled an act to incorporate the Gwinnett Manufacturing Company of the county of Gwinnett, and to define the rights, privileges and liabilities of the same.

Also, a bill to be entitled an act to alter, change and amend the second section of an act to incorporate and confer certain powers and privileges upon the Sandersville Hotel Company, the Pioneer Hook and Ladder Company and the Church Asylum at Augusta, approved March the 5th, 1856.

Also, a bill entitled an act to repeal an act, approved February 15th, 1854, to extend the provisions of an act regulating

the fees of magistrates and constables, &c., so far as relates to the county of Warren.

Mr. Harris of Worth, from the Committee on New Counties and County Lines, made the following report:

The Committee on New Counties and County Lines have had under consideration a bill to be entitled an act to organize and lay off a new county out of the counties of Fayette and Henry, and for other purposes, and report the same back and recommend that the bill do pass.

W. A. HARRIS, Chairman.

On motion of Mr. Harris of Worth the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to lay off and organize a new county out of the counties of Henry and Fayette to be called Butler county to attach the same to the Judicial circuit to the fourth Congressional District and to the Brigade and Division Georgia Militia and to locate the county site of the same and for other purposes herein mentioned.

Mr. Johnson of Fayette moved to amend the report by filling up the blanks in the second section of said bill with "Coweta" Judicial Circuit the "second" Brigade and fifth Division Georgia Militia which was agreed to.

Mr. Whitaker moved further to amend the report by inserting in the first section of said bill the following words that the south line running west terminate at the south west corner of lot of land number 187 in the 13th District of Fayette, thence north to the Fulton line between lot number five and six in the 13th District of Fayette.

Which was agreed to.

The report of the committee as amended was then agreed to, the bill was read the third time and upon the question shall this bill now pass? The yeas and nays were required to be recorded and were yeas 73 nays 37.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Griffin of Calhoun,	Quillian,
Adams of Rabun,	Griffin, of Twiggs,	Roberts,
Akins,	Guerry,	Shropshire,
Atkinson,	Hammond,	Slaughter,
Ashley,	Hart,	Smith of Jefferson,
Beall,	Harris of Worth,	Staten,
Bennett,	Hixon,	Stowers,
Bloodworth of Car-	Holcombe,	Strickland,
roll,	Humphrie,	Stripling,
Bloodworth of Pikes	Jamison,	Tate,
Bozeman,	Jarrard,	Thomas,



Browning,	Johnson of Fayette,	Treadwell,
Bryan,	Johnson, of Pauld-	Tucker,
Bullard,	ing,	Walker,
Castleberry,	Jossey,	Ward,
Cochran,	Knox,	Webb,
Collier,	Mattox,	West,
Cone,	McConnell,	Westbrooks,
Cumbie,	McDonald,	Whitaker,
Donaldson,	McDuffie,	Wilcher,
Edmondson,	McGuire,	Williams of Berrien,
Fain,	Mounger,	Williams of White,
Fields,	Overstreet,	Wooten,
Gholston,	Paine,	Young, of Irwin,
Graham,	Price,	Young, of Union,

Those who voted in the negative are Messrs :

Arnett,	Gordon,	Pope,
Arnold,	Gresham,	Reid,
Banks,	Harris of Merriwth-	Reynolds,
Billups,	er,	Robinson, of Laur-
Bush,	Harris, of Walton,	ens,
Carlton,	Hays,	Robinson, of Talbot,
Colquitt,	Hill, of Harris,	Riley, of Lumpkin,
Cooper,	Hill, of Sumter,	Shepherd,
Crowder,	Hill, of Troup,	Smith of Hancock,
Dawson,	Lockheart,	Smith of Jefferson,
Darden,	Marshall,	Sutton,
Drake,	Mathews,	Warthen,
Fambro,	McRea,	Wilcoxson,
Felton,		

So the bill was passed.

The following bills of the Senate were taken up severally, read the second time and referred to the committee on new counties and county lines to-wit :

A bill to be entitled an act to change the line between Henry and DeKalb counties.

Also a bill to be entitled an act to change the line between the counties of Coffee and Irwin.

Also a bill to be entitled an act to define the line between Miller and Early counties.

Also a bill to be entitled an act to change the lines between the counties of Macon and Sumter so as to add Mr. R. Smith of the county of Sumter to the county of Macon.

Also a bill to be entitled an act to lay out and organize a new county from the counties of Stewart and Randolph and for other purposes.

Also a bill to be entitled an act to change the county line between the counties of Spaulding and Bnnts.

On motion of Mr. McDonald the rules were suspended and the resolution previously offered by himself in relation to requiring the Judiciary Committee to report upon the propriety of abolishing the Penitentiary was taken up and agreed to.

The following Message was received from House of Representatives by Mr. Speer their Clerk.

Mr. President, the House of Representatives have passed the following bills to wit:

A bill to be entitled an act to alter and amend the charter of the city of Columbus.

A bill to be entitled an act for the relief of William Stanfill of the county of Lowndes.

A bill to be entitled an act fixing the time of holding Inferior Courts in the counties of Charlton and Gordon.

A bill to be entitled an act to reduce the official bond of the Sheriff's hereafter to be elected in the counties of McIntosh and Schley from the sum of twenty thousand dollars, to the sum of ten thousand dollars.

A bill to be entitled an act to authorize A. J. Williamson executor of John Williamson late of Emanuel county deceased, to sell the real estate of said deceased at private sale.

A bill to be entitled an act to incorporate Altamaha Lodge number two hundred and twenty seven (227) of free and accepted Masons of the county of McIntosh.

Also a bill to be entitled an act to authorize the Justices of the Peace of the county Gordon in and for the 849th District Georgia Militia.

Also of the county of Walton in and for the 417th district Georgia Militia, to hold their Courts two days in certain cases.

Also a bill to be entitled an act to establish a Board of Education in the county of Lincoln and to confer certain specified powers upon them.

Also to declare what teachers shall be entitled to draw upon the poor school fund of said county.

Also a bill to be entitled an act for the relief of David Edwin W. Irwin of the county of Chatham, of James Smith of the county of Clay, of Francis Frith of the county of Randolph, of Henry Branson of the county of McIntosh, of Polly Ann Maryman of the county of Miller.

The following bills were taken up severally read the second time and referred to the committee on the Judiciary.

A bill to be entitled an act to alter and amend the laws of this State in relation to the notices to be given by insolvents debtors to their creditors.

Also a bill to be entitled an act to alter and amend an act approved December 11th 1819 and to increase the salaries of the Attorney and Solicitor General of this State.

Also a bill to be entitled an act to require the Justices of the Peace of the several districts of the county of Dawson to

make additional returns of all poor children between the ages of six and sixteen in their districts for the year 1858.

Also a bill to be entitled an act to amend the act to change and simplify the practice and pleadings in this State, approved February 20th 1854.

Also a bill to be entitled an act to allow bail to slaves and free persons of color who have or may commit offences against the laws of this State.

Also to compensate Attorneys at Law for defending negroes when the master or owner of a slave who stands charged with an offence, neglect or refuse to employ counsel to defend slave or slaves.

The following bill was taken up read the second time and referred to the committee on banks.

A bill to be entitled an act to incorporate a bank in the city of Atlanta to be called the Railroad City Bank and for other purposes.

The following bills were taken up severally read the second time and referred to the committee on amendments to the Constitution, viz:

A bill to be entitled an act to alter the eleventh section of the Constitution of this State.

Also a bill to be entitled an act to amend the third section of the first article of the Constitution of the State of Georgia.

Mr. Paine moved that the rules be suspended for the purpose of offering a resolution which was agreed to.

Mr. Paine offered the following resolution which was taken up read and agreed to.

*Resolved,* That the Senator from Morgan, the Senator from Jasper, the Senator from Worth and Senator from Greene be added to the Judiciary Committee.

On motion of Mr. Tucker the Senate then adjourned until ten o'clock to-morrow morning.

*TUESDAY, NOVEMBER 9th 1858.*

TEN O'CLOCK, A. M.

The Senate met according to adjournment, the Hon. Wm. M. Brown, President pro tempore in the Chair.

Mr. Adams of Elbert introduced a bill to be entitled an act to raise the bonds of Constables from five hundred to one thousand dollars.

Which was read the first time.

Mr. Bartlett introduced a bill to be entitled an act to make uniform the criminal practice in the several Juricial Circuits in this State, and also to alter the rules of evidence in criminal trials in certain cases and for other purposes.

Which was read the first time.

Mr. Billups introduced a bill to be entitled an act to make legal and valid all acts done and performed by George H. Harris of the State of Mississippi as executor of the last will and testament of Jephtha V Harris late of Cobb county, and for other purposes.

Which was read the first time.

Also a bill to be entitled an act for the relief of David Dyer of the county of Morgan and for other purposes.

Which was read the first time.

Mr. Briscoe introduced a bill to be entitled an act to authorize the issuing of attachments and garnishments and to regulate proceedings in relation to the same and for other purposes therein mentioned, approved March 4th 1856, so as to make the shares or interest of stockholders in any corporation in this State subject to attachment and sale and for other purposes herein mentioned.

Which was read the first time.

Mr. Bozeman introduced a bill to be entitled an act to incorporate the town of Hawkinsville in the county of Pulaski and to provide for the election of commissioners for the same.

Which was read the first time.

Mr. Browning introduced a bill to be entitled an act amendatory of the act to incorporate a Railroad Company to be called the Atlantic and Gulf Railroad Company and for other purposes herein named, approved Feb. 27th 1856.

Which was read the first time.

Mr. Bryan introduced a bill to be entitled an act to change the line between the counties of Wayne and Glynn so as to include the residence of James Stafford in the county of Wayne.

Which was read the first time.

Mr. Donaldson introduced a bill to be entitled an act to change the line between the counties of Ware and Pierce.

Which was read the first time.

Mr. Edmondson introduced a bill to be entitled an act to limit the lien of judgments in this State upon property in the hands of third parties who are bona fide purchasers without notice.

Which was read the first time.

Mr. Fambro introduced a bill to be entitled an act for better regulation of the practice in the Superior Courts of this State and for other purposes therein mentioned.

Which was read the first time.

Also a bill to be entitled an act to define the liability of stockholders in banks and other chartered institutions.

Which was read the first time.

Also a bill to be entitled an act to abolish the usuary laws now in force in this State so far as relates to promises in writing when the date of interest is expressed in the written promise to pay &c.

Which was read the first time.

Mr. Fields introduced a bill to be entitled an act to add a part of Forsyth county to the county of Milton.

Which was read the first time.

Mr. Guerry introduced a bill to be entitled an act, regulating judgments at law and for other purposes therein mentioned.

Which was read the first time.

Mr. Hill of Sumter introduced a bill to be entitled an act to amend an act entitled an act to incorporate the city of Americus.

Which was read the first time.

Also a bill to be entitled an act to incorporate the cotton Planters Bank Deposit and Loan Assosiation of the State of Georgia.

Which was read the first time.

On motion of Mr. Cooper 150 copies of the foregoing bill was ordered to be printed for the use of Senate.

Mr. Holcomb introduced a bill to be entitled an act to change the time of holding the Superior Courts of the county of Cherokee.

Which was read the first time.

Also a bill to be entitled an act to repeal an act entitled an act to repeal so much of an act entitled an act to authorize the Justices of the Inferior Courts of the several counties in this State to create and lay out any new district or change and alter the lines of those already laid out assented to 23d Dec. 1839 so far as relates to the county of Cherokee, assented to December 22d 1840, and to legalize all districts made and lines changed by the Inferior Court of Cherokee county since the passage of said act and to legalize the acts done by the officers elected in said districts.

Which was read the first time.

Mr. McDonald introduced a bill to be entitled an act to incorporate the town of Waresboro and provide for the government of the same.

Which was read the first time.

The following message was received from the House of Representatives by Mr. Speer their Clerk.

Mr. President, the House has agreed to the following joint resolutions.

Requesting our Senators and Representatives in Congress to use their best efforts to have established certain "two or

four Horse mail lines" therein mentioned to which they ask the concurrence of the Senate. They have also passed the following bills, to-wit:

A bill to be entitled an act to change the time of holding the Inferior Courts of the county of Appling.

A bill to amend an act in relation to the public Records of counties where they have been destroyed by fire &c.

A bill to be entitled an act for the relief of Alexander Teague of the county of Union.

A bill to make Martha C. Cook of the county of Thomas the adopted heir of Syntha Burke, &c

A bill for the relief of Maria Leary formerly Maria Small of the county of Houston.

A bill to incorporate Hudson Lodge No. 208, Free and Accepted Masons.

A bill to authorize the Justices of the Inferior Court of the several counties in the State upon the recommendations of the Grand Jury thereof to assess and collect a tax for the payment of Grand and Petit Jurors and at their pleasure to discontinue and again assess the same upon said recommendation, approved Feb 27th 1856.

A bill for the relief of Mrs. Ann S. Finn, wife of John Finn of the county of Richmond.

A bill to allow Sarah Bryan wife of John W. Bryan of Lee county to act as a *feme-sole*, and protect all her property against her Husbands debts.

A bill to incorporate the Atlanta Medical College and for other purposes therein mentioned.

A bill to incorporate Kimbrough Lodge No. 118.

A bill to repeal a portion of an Act to change the county lines between the counties of Cass and Gordon, and Gordon and Murray, and other counties therein named, approved March 6th 1856.

A bill to change and establish the line between the counties of Jefferson and Emmanuel.

A bill for the relief of Mrs. Annie T. Carroll, wife of Robert Carroll, of Fulton county.

A bill to authorize Russell Jones, of the county of Union, guardian of the minors of James Thomas, to sell the negroes of said trust estate, in the county of Walton, and for other purposes.

A bill to incorporate Butler Lodge, No. 211, Free and Accepted Masons.

A bill to amend the 3d section of the Act of March 6th, 1856, prescribing the manner in which the names of persons may be changed, &c.

A bill to authorize the Inferior Court of Washington county to levy and collect an extra tax for the building of a jail in said county, and for other purposes.

A bill to make valid and binding the subscriptions hereto-

fore made by the Mayor and Council of the City of Columbus, to the stock of the Mobile and Girard Railroad Company, &c., &c.

Mr. McDuffie introduced a bill to be entitled an act to add numbers 219, 254 and 256 in the fourth district of Irwin, to the county of Wilcox.

Which was read the first time.

Also a bill to be entitled an act to amend an act entitled an act to regulate the tavern license in this State, approved December 15th, 1800, so far as the same relates to the county of Wilcox.

Which was read the first time.

Mr. Moulter introduced a bill to be entitled an act to alter and amend an act entitled an act to make valid all commissions which have heretofore been or may hereafter be issued in blank for the purpose of taking testimony in any case arising, or which may have arisen in the courts of law and equity in this State.

Which was read the first time.

Mr. Graham introduced a bill to be entitled an act to amend the Judiciary Act of 1799, so far as relates to the foreclosure of mortgages on personal property, when the amount of principal claimed does not exceed the jurisdiction of a Justices Court.

Which was read the first time.

Mr. Paine introduced a bill to be entitled an act to exempt from sale for debts contracted after a given time, certain articles chiefly necessary for the subsistence of the debtors family, approved Dec 23d, 1822, and the several acts amendatory thereof.

Which was read the first time.

Also a bill to be entitled an act to define the powers of the Supreme Court of this State, relative to the reversal of its own decisions.

Which was read the first time.

Mr. Roberts introduced a bill to be entitled an act to incorporate the Atlanta, West Point and Columbus Magnetic Telegraph Company.

Which was read the first time.

Also a bill to be entitled an act to incorporate a bank in the city of Marietta, to be called the Bank of Marietta.

Which was read the first time.

Also a bill to be entitled an act to change the line between the counties of Cobb and Cherokee, so as to include the lands belonging to Ephraim B. Sarjeant in Cobb county.

Which was read the first time.

Mr. Arnett introduced a bill to be entitled an act for the relief of William S. Rackley, and to relieve him from certain disabilities.

Which was read the first time.

Mr. Riley of Lumpkin, introduced a bill to be entitled an act to alter and amend the several laws in relation to the poor school system, so far as relates to the county of Lumpkin, and for other purposes.

Which was read the first time.

And offered the following resolution,

*Resolved*, That no per diem shall be allowed to Senators who are absent from their seats during the present session, unless they are prevented from attending by sickness or other providential cause, and the Auditing Committee are hereby required to deduct the pay for each day on which any Senator may be so absent.

Mr. Slaughter introduced a bill to be entitled an act to change the time of holding the Superior Courts for the counties of Baker and Mitchell.

Which was read the first time.

Also a bill to be entitled an act to amend an act pointing out the mode of collecting a certain description of debts therein mentioned, approved Dec. 19th, 1818, and to extend the provisions of the same, so as to embrace copartners.

Which was read the first time.

Also a bill to be entitled an act to repeal so much of the sixth section of the act approved March 4th, 1856, entitled an act to authorize the issuing of attachments, and regulate proceedings in relation to the same, and for the purposes therein mentioned as relates to the Courts to which such attachments shall be made, returnable, and for other purposes therein mentioned.

Which was read the first time.

Mr. Smith of Jefferson, introduced a bill to be entitled an act to regulate the compensation of jurors in the county of Jefferson.

Which was read the first time.

Mr. Strickland introduced a bill to be entitled an act to alter and amend the fourteenth section of the fifth division of the Penal Code of this State.

Which was read the first time.

Also a bill to be entitled an act to alter and amend the second section of the sixth division of the Penal Code of this State.

Which was read the first time.

Mr. Tucker introduced a bill to be entitled an act for the relief of Loverd Bryan, from his executorship.

Which was read the first time.

Mr. Worthen introduced a bill to be entitled an act to repeal all laws relating to head rights, so far as they apply to Washington county.

Which was read the first time.



Also a bill to be entitled an act for the relief of Amanda C. Flournoy, of Washington county.

Which was read the first time.

Also a bill to be entitled an act to incorporate a volunteer corps of riflemen in the county of Washington, to be called the Washington Rifles, and to grant unto it certain privileges.

Which was read the first time.

Mr. Harris of Worth, introduced a bill to be entitled an act to repeal an act to consolidate the offices of tax collector and receiver of tax returns, so far as respects the county of Worth, passed the first day of March, 1856, and to provide for the election in future of one tax collector and one tax receiver separately, in said county of Worth, as provided for by the general laws of this State.

Which was read the first time

Mr. Whitaker introduced a bill to be entitled an act to prescribe the mode of perfecting service, and to regulate the proceedings in cases of scire facias on non-residents.

Which was read the first time.

Also a bill to be entitled an act to amend an act entitled an act to incorporate the Grand Lodge Knights of Jericho, of the State of Georgia, and for other purposes therein named, so far as to change the motto mentioned in said Act.

Which was read the first time.

Also a bill to be entitled an act to change the county line between the counties of Fulton and Fayette, so as to add four ranges of lots of land to the county of Fulton.

Which was read the first time.

Mr. Wilcox introduced a bill to be entitled an act to render uniform the decisions of the Supreme Court, and regulate the reversal of the same and for other purposes.

Which was read the first time.

Mr. Young of Union, introduced a bill to be entitled an act authorizing the appointment of a State Geologist and for other purposes.

Which was read the first time.

Mr. Atkinson raised a point of order upon the reception of the foregoing bill: The Hon. Peyton H. Colquitt, Senator from the county of Muscogee, being in the chair, decided the same as follows:

That the bill was for the purpose of creating an office and specifying the salary of the officer, and did not contemplate the appropriation of money. and could therefore be entertained by the Senate.

Mr. Stubbs from the Judiciary committee, made the following report:

The Judiciary committee to whom the following bills were referred, respectfully report an act for the better government

of the Western and Atlantic Railroad. The committee unanimously recommend that this bill do pass as amended.

A bill to be entitled an act to define the liability of drawers of bills of exchange, checks, drafts and orders, and to place them on the same footing as sureties. As to this bill, the committee recommend a substitute herewith presented to the Senate, and recommend that the substitute do pass in lieu of the original.

An act to modify the first section of an act approved 20th February, 1854, in relation to new trials.

The committee recommend a substitute for said bill, and recommend that the substitute do pass in lieu of said original.

A bill to authorize the Legislature to fix by law the place or places at which the Supreme Court shall sit.

The committee recommend unanimously that the bill as amended do pass.

All of which is respectfully submitted.

P T STUBBS, Ch. pro: tem.

On motion of Mr. Billups, the rules were suspended and the following bill of the House of Representatives was taken up, and read the first time.

A bill to be entitled an act to relieve John Green and Rebecca Green of the county of Bibb, from the pains and penalties of bigamy and adultery, and for other purposes.

Mr. Paine from the committee on enrollment, report as duly enrolled and signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate.

The following joint resolutions in reference to the death of the Hon. Jesse M. Jones of Marion county; of Hon. Jacob W Moore of the county of Glynn, and the Hon. George H. Julien of the county of Forsyth.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to repeal an act entitled an act amendatory of the several acts of force, in reference to the corporation of the city of Milledgeville, assented to December the 22d, 1857.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize Charles A. Eagerton, an infirm man of the county of Decatur, to peddle without paying a tax for the same.

Mr. Harris of Worth, moved to amend the report, by adding the following proviso to the first section of said bill, to-wit: Provided, that this act shall apply to the county of Decatur alone, which was agreed to.

The report as amended was then agreed to, the bill was then read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to repeal an act entitled an act to appropriate certain lands to do road duty on the West side of the old post road and North of the Satilla river, in Camden county, approved January 26th 1850, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize the holding of the Justice's Court for the 411th district of Hall county, two days and for other purposes.

Mr. Bloodworth of Pike, offered the following bill as a substitute, to-wit:

A bill to be entitled an act to authorize the Justices of the Peace in any militia district in this State to adjourn their Courts from day to day, or to hold Court two or more days in each month, whenever the business of any of their Courts require it, which was received.

On motion of Mr. Banks, the foregoing bill and substitute were referred to the committee on the Judiciary.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to collect interest on open accounts in this State, after they are due, and to fix the time when accounts shall fall due when the same is not agreed upon by the parties.

Mr. Dawson moved that the foregoing bill be referred to the committee on the Judiciary, which was agreed to.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to incorporate the town of Camilla in the county of Mitchell and to provide for the election of President, Councilmen, Treasurer and Marshal for the same, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to amend an act entitled an act to regulate the rates of Tavern license in this State, approved December 15th, 1809.

Also, to amend an act further to regulate the granting of Retail license and sale of spirituous liquors, assented to 29th December, 1838, so as to authorize the grand juries in the several counties in this State to fix the rate for Retail license, and to provide a punishment for a violation of the same.

Mr. Whitaker moved to amend the report by striking out the words "several counties" in the caption and the first section of said bill, which was agreed to.

Mr. Hill of Troup, moved further to amend the report by inserting in the caption and first section of said bill, in lieu

of the words "several counties" the words "the counties of Marion and Elbert," which was agreed to.

On motion of Mr. Brown, the report as amended was then laid on the table for the present.

On motion of Mr. Young of Union, Mr. Drake was added to the committee on the institution for the blind.

On motion of Mr. Hart, Mr. Mallard was added to the committee on the Lunatic Asylum.

On motion of Mr. McDonald, Mr. Briscoe was added to the committee on the Penitentiary.

On motion of Mr. Arnold, Mr. Wilcoxson was added to the committee on the Judiciary.

On motion, leave of absence was granted to Messrs. Guer-ry and Hill of Harris, for a few days.

On motion of Mr. Guerry, the Senate then adjourned un-til 10 o'clock to-morrow morning.

*WEDNESDAY, NOVEMBER 10th, 1858.*

TEN O'CLOCK, A. M.

The Senate met according to adjournment. The Hon. William M. Brown, President pro tempore, in the chair.

Mr. Tucker, from the committee on the Judiciary, made the following report:

The Judiciary committee, to whom various bills were re-ferred, beg leave to make the following report:

They recommend the passage of the following named bills.

A bill to be entitled, an act to amend an act to change and simplify the practice and pleading in this State, approved February 20th, 1854.

Also a bill to be entitled an act to alter and amend the first section of the third article of the Constitution of this State as to the Inferior Courts and Courts of Ordinary.

Also a bill to be entitled an act to increase the salaries of solicitors of the State.

Also a bill to be entitled an act to require the Justices of the Peace of the several districts of the county of Dawson to make additional returns of poor children between the ages of six and eighteen in their respective districts for the year 1858.

The committee also report back the following bills with amendments, and upon adopting the proposed amendments they recommend the passage of the bills.

A bill to be entitled an act to allow bail to slaves and free

persons of color who have or may commit offences against the laws of this State; also to compensate attorneys for defending negroes when the master or overseer of the slave shall refuse. The committee propose to amend by striking out all the words in the first section after the word "bail" and by inserting in lieu thereof the words "under the terms and restrictions hereinafter mentioned."

A bill to be entitled an act to alter and amend the laws of this State in relation to notices to be given insolvent debtors to their creditors.

The committee propose to amend by striking out the words "public gazette" and inserting in lieu thereof the words "the gazette in which the Sheriff of the county where the execution is pending publishes his sales;" and further by striking out "six weeks" and inserting "thirty days."

The committee report back the following bill with a recommendation that it do not pass.

A bill to be entitled an act to amend the first section of the third article of the Constitution of the State of Georgia

JOHN A. TUCKER, Chairman.

Mr. Wootten moved that the rules be suspended for the purpose of introducing a bill. Which was agreed to.

Mr. Wootten introduced a bill to be entitled an act to declare the true intent and meaning of an act entitled an act to authorize the Justices of the Inferior Court of the county of Gwinett to levy an extra tax to pay for the erection of a new Court-House in said county, approved March 1st, 1856. to amend the caption of said act and for other purposes.

Which was read the first time.

The Senate took up as the report of the committee of the whole,

A bill to be entitled, an act to alter and amend the laws of this State in relation to the notices to be given by insolvent debtors to their creditors.

On motion of the Judiciary committee the report was amended by striking out the words "six weeks" and inserting in lieu thereof "thirty days," and by striking out the words "public gazette" and inserting in lieu thereof the words "the gazette in which the Sheriff of the county where the execution is pending publishes his sales," in the first section of said bill.

Mr. Harris of Merriwether moved further to amend the report by adding the following section to said bill, to wit:

Be it further enacted that this bill shall not be held or construed to apply to any case which may be pending at the time of its passage in any of the Courts of law or equity in this State, but shall be prospective in its operation, which was agreed to.

The report as amended was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to require the Justices of the Peace of the several districts of the county of Dawson to make additional returns of all poor children between the ages of six and eighteen in their districts for the year 1858.

Mr. Graham moved to amend the report by adding the following sections to said bill, to wit:

And be it further enacted that the Justices of the Peace in and for said county of Dawson be and they are hereby required in each and every year hereafter to return the poor children within their districts of said county as the general law does or may hereafter require.

And be it further enacted that the Ordinary shall have full power and authority to enforce obedience from said Justices and each of them by attachment as for contempt.

And by changing the caption thereof to correspond therewith, which was agreed to.

The report as amended was agreed to. The bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President:*—The House has concurred in the amendment of the Senate in reference to the resolutions of procuring certain mail lines therein mentioned:

Also that I am directed to inform the Senate that they have elected Francis C. Shropshire, Esq., as clerk of the House to fill the vacancy occasioned by the resignation of Alex. M. Speir, Esq.

Also that the House has passed the following bills of the Senate, to wit:

A bill to be entitled an act to authorize the Ordinary of Troup county to pass upon the application of the administrators of James M. Potts, late of said county, deceased, for leave to sell the land and negroes belonging to said estate at an adjoining term of the Court of Ordinary of said county.

Also a bill to be entitled an act to legalize the time of sitting of the Superior Court of the county of Glascock, and also to make legal the adjournment of said Courts, and to change the time for the holding of the same.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to allow bail to slaves and free persons of color who have or may commit offences against the laws of this State; also to compensate attorneys-at-law for defending negroes when the master or owner of a slave who stands charged with an offence refuses to employ counsel to defend such slave or slaves.

On motion of the committee on the Judiciary, the report was amended by striking out all the words in the first section

of said bill after the word "bail," and inserting in lieu thereof the words "under the terms and restrictions hereinafter mentioned."

Mr. Harris of Merriwether moved further to amend the report by adding the following as a section of said bill, to wit:

Be it further enacted that the provisions of this bill shall not be construed to apply to any case which may be pending in any of the Courts of law or equity in this State at the time of its passage, but shall be prospective in its operation.

Upon agreeing to which motion the yeas and nays were required to be recorded, and were yeas 44, nays 61.

Those who voted in the affirmative are Messrs:

Atkinson,	Gresham,	Pope,
Banks,	Griffin of Twiggs,	Quillian,
Bloodworth of Pike,	Hammond,	Reid,
Bozeman,	Harris of Merri-	Reynolds,
Briscoe,	wether,	Robison of Laurens,
Browning,	Harris of Walton,	Riley of Lumpkin,
Bryau,	Hixon,	Shepherd,
Castleberry,	Humphries,	Smith of Jefferson,
Collier,	Jamison,	Sutton,
Colquitt,	Johnson of Fayette,	Walker,
Cone,	Knox,	Ward,
Darden,	Marshall,	Warthen,
Fambro,	McDuffie,	Wilcher,
Felton,	McGuire,	Young of Irwin,
Gholston,	McRea,	Young of Union.

Those who voted in the negative are Messrs:

Adams of Elbert,	Griffin of Calhoun,	Slaughter,
Adams of Rabun,	Guerry,	Spalding,
Akins,	Hart,	Smith of Hancock,
Arnett,	Harris of Worth,	Staten,
Ashley,	Hays,	Stokes,
Beall,	Hill of Harris,	Strickland,
Bennett,	Hill of Sumter,	Thomas,
Bloodworth of Car-	Hill of Troup,	Tison,
roll,	Jarrard,	Treadwell,
Bush,	Johnson of Pauld-	Tucker,
Carlton,	ing,	Turner,
Cochran,	Jossey,	Webb,
Cooper,	Lockheart,	West,
Crowder,	Matthews,	Westbrooks,
Cumbie,	McConnell,	Whitaker,
Dawson,	McDonald,	Wilcoxson,
Donaldson,	Mounger,	Williams of Ber-
Drake,	Overstreet,	rien,
Fields,	Roberts,	Williams of Terrell,
Gordon,	Robinson of Talbot,	Williams of White,
Graham,	Shropshire,	Wooten.

So the motion was lost.

Mr. Pope moved further to amend the report by adding the following as a section of said bill, to wit:

*Be it further enacted* that this act, so far as relates to the lien given to attorneys for the defence of slaves, shall be prospective in its operation, which was agreed to.

Mr. Bloodworth of Carroll moved further to amend the report by adding the following proviso to the second section of said bill, to wit:

Provided the amount of the attorney's fees in all such cases shall be decided on by three freeholders appointed by the Court in the county where any such slave is accused, which was lost.

Mr. Atkinson moved further to amend the report by adding the following as a section to said bill, to wit:

*Be it further enacted* that the provisions of this bill shall apply to no case where the negroes are accused of insurrection.

Upon agreeing to which motion the yeas and nays were required to be recorded, and were Yeas 70, Nays 38.

Those voting in the affirmative are Messrs:

Adams of Elbert,	Hart,	Smith of Hancock,
Adams of Rabun,	Harris of Merriweth-Smith of Jefferson,	
Atkinson,	er,	Staten,
Ashley,	Hixon,	Stokes,
Banks,	Humphries,	Stowers,
Beall,	Jarrard,	Strickland,
Bennett,	Johnson of Fayette,	Stripling,
Bloodworth of Car-	Johnson of Paulding,	Sutton,
roll,	Knox,	Tate,
Bloodworth of Pike,	Lockheart,	Tison,
Bozeman,	Mallard,	Treadwell,
Browning,	Marshall,	Turner,
Bryan,	McDonald,	Walker,
Cochran,	McDuffie,	Ward,
Cooper,	McRea,	Warthen,
Cone,	Mounger,	Webb,
Darden,	Pope,	West,
Drake,	Quillian,	Westbrooks.
Edmondson,	Reid,	Wilcher,
Felton,	Reynolds,	Wilcoxson,
Gholston,	Robinson of Laurens,	Williams of Berrien,
Graham,	Robinson of Talbot,	Williams of Terrell,
Gresham,	Riley of Lumpkin,	Williams of White,
Griffin of Twiggs,	Shepherd,	Young of Irwin,

Those who voted in the negative are Messrs:

Akins,	Fields,	McConnell,
Briscoe,	Gordon,	McGuire,
Brown,	Griffin of Calhoun,	Paine,
Bush,	Harris of Walton,	Roberts,



Carlton,	Harris of Worth,	Shropshire,
Castleberry,	Hays,	Slaughter,
Collier,	Hill of Harris,	Spalding,
Colquitt,	Hill of Sumter,	Thomas,
Crowder,	Hill of Troup,	Tucker,
Cumbie,	Holcombe,	Whitaker,
Dawson,	Jamison,	Wooten,
Donaldson,	Jossey,	Young of Union,
Fambro,	Matthews,	

Yeas 70, nays 38.

So the motion prevailed.

The report as amended was then agreed to. The bill was read the third time, and upon the question, shall this bill now pass? the yeas and nays were required to be recorded.

Pending which and before the call commenced,

Mr. Colquitt moved to recommit the bill to the Committee of the Whole.

Upon which motion a question of order was raised. The Hon. E. B. Arnold, Senator from the county of Henry being in the chair, decided the motion to be in order.

The motion to recommit the bill was then agreed to.

Mr. Slaughter moved further to amend the report by striking out the second section of said bill.

Which was agreed to.

Mr. Hill of Harris moved that the bill be referred to a select committee of three.

Which was agreed to.

The chair appointed as that committee Messrs. Hill of Harris, Whitaker and Colquitt.

Mr. Harris of Worth, from the Committee on New Counties and County Lines, made the following report:

The Committee on New Counties and County Lines have had under consideration,

A bill to be entitled an act to lay out and organize a new county from the counties of Lowndes and Thomas, and report the bill back to the Senate, and recommend the passage of the same.

Also, a bill to be entitled an act to lay off and organize a new county from the counties of Walker, Chattooga and Gordon, and unanimously recommend the passage of the bill.

W. A. HARRIS, Chairman.

On motion of Mr. West the rules were suspended, and the Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to lay out and organize a new county from the counties of Lowndes and Thomas, and for other purposes therein specified.

Mr. West moved to amend the report by adding the following as a proviso to the sixth section of said bill, to-wit:

Provided, that the costs then due shall be paid before the case shall be removed.

And also, by adding the following as a section of said bill to-wit:

*Be it further enacted*, That the funds in the hands of the Ordinary of Lowndes county for poor school purposes, at the time of the passing of this act, shall be equitably divided between the said county of Lowndes and the county of Brooks upon the following basis: that is to say, the Ordinary of Lowndes county shall make out and furnish to the Ordinary of Brooks, a statement of the fund in his hands at the time aforesaid, and also, the number of poor children in the county of Lowndes, including that part of the territory of said county cut off into the county of Brooks, and shall pay over to the Ordinary of Brooks county a *pro rata* share according to the number of children in that part of the territory of the same which is taken from the said county of Lowndes.

Which was agreed to.

The report as amended was then agreed to. The bill was read the third time and passed.

On motion leave of absence was granted to Messrs. Lockhart, Griffin of Twiggs and Wooten, for a few days.

On motion of Mr. Colquitt, Mr. Atkinson was added to the Committee on amendments to the Constitution.

On motion of Mr. Young of Union, the senate then adjourned until 3 o'clock, P. M.

#### AFTERNOON SESSION, THREE O'CLOCK, P. M.

The Senate met according to adjournment.

On motion of Mr. Smith of Hancock, the rules were suspended, and the Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate Washington Institute, a high school organized by the Washington Association, and located in the county of Hancock, and appoint trustees for the same.

Mr. Smith of Hancock offered the following bill as a substitute for the foregoing bill:

A bill to be entitled an act to incorporate Washington Institute, a high school organized by an association of Baptist churches, known as the Washington Association, and located in Hancock county, and incorporate trustees for the same.

Which was received.

The report as amended was agreed to. The bill was read the third time and passed.

On motion of Mr. Smith of Hancock, the same was order-

ed to be forthwith transmitted to the House of Representatives.

On motion of Mr. Mallard, the rules were further suspended, and the Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Presbyterian Church of Walthoursville, in Liberty county.

Mr. Mallard moved to amend the report by adding the following as a section to said bill, to-wit:

*And be it further enacted,* That all laws militating against this act be and the same are hereby repealed.

Which was agreed to.

The report as amended was then agreed to. The bill was read the third time and passed.

And on motion of Mr. Mallard, the same was ordered to be forthwith transmitted to the House of Representatives.

The following message was received from the Governor, by Mr. McComb, his Secretary:

*Mr. President:*—I am directed to transmit to the Senate, a communication in writing, with accompanying document.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to lay off and organize a new county from the counties of Chattooga, Walker and Gordon, east of Taylor's ridge.

Mr. Shropshire moved to fill up the blank in the first section of said bill with "Echols."

Which was agreed to.

The report as amended was then agreed to. The bill was read the third time, and upon the question, shall this bill now pass? the yeas and nays were required to be recorded, and were, yeas 40, nays 68.

Those voting in the affirmative are Messrs:

Adams of Elbert,	Griffin of Calhoun,	Price,
Adams of Rabun,	Guerry,	Roberts,
Akins,	Hart,	Shropshire,
Beall,	Harris, of Walton,	Stowers,
Bloodworth of Carroll,	Hixon,	Treadwell,
	Holcombe,	Ward,
Bloodworth of Pike,	Jarrard,	West,
Bozeman,	Johnson of Fayette,	Westbrooks,
Browning,	Knox,	Whiaker,
Edmondson,	McCunnell,	Williams of White,
Fields,	McDonald,	Wooten,
Gholston,	McDuffie,	Young, of Irwin,
Gibson,	McGuire,	Young, of Union,
Graham,	Mounger,	

Those voting in the negative are Messrs:

Arnett,	Gordon,	Robinson, of Talbot,
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Arnold,	Harris of Merriw-	Riley, of Lumpkin,
Ashley,	er,	Shepherd,
Banks,	Hays,	Slaughter,
Bennett,	Hill, of Harris,	Spalding,
Billups,	Hill, of Sumter,	Smith of Hancock,
Briscoe,	Hill, of Troup,	Smith of Jefferson,
Bryan,	Humphries,	Staten,
Bush,	Jamison,	Strickland,
Carlton,	Johnson, of Pauld-	Stripling,
Castleberry,	ing,	Sutton,
Cochran,	Lockheart,	Tate,
Collier,	Mattox,	Thomas,
Cooper,	Mallard,	Tison,
Cone,	Marshall,	Tucker,
Crowder,	Mathews,	Turner,
Cumbe,	McRea,	Walker,
Dawson,	Overstreet,	Warthen,
Darden,	Pope,	Webb,
Donaldson,	Quillian,	Wilcher,
Drake,	Reid,	Wilcoxson,
Fain,	Reynolds,	Williams of Berrien,
Fambro,	Robinson, of Laur-	Williams of Terrell,
Felton,	ens,	

So the bill was lost.

On motion of Mr. Slaughter, the Senate then adjourned until 10 o'clock, to-morrow morning.

## THURSDAY, NOVEMBER 11th, 1858.

TEN O'CLOCK, A. M.

The Senate met according to adjournment. The Hon. William M. Brown, President *pro tempore*, in the Chair.

Mr. Shropshire moved to reconsider so much of the journal of yesterday as relates to the vote by which a bill to be entitled an act to lay off and organize a new county from the counties of Walker, Chattooga and Gordon, was lost.

Upon agreeing to which motion the yeas and nays were required to be recorded, and were yeas 50, nays 59.

Those voting in the affirmative are Messrs :

Adams of Rabun,	Gresham,	Roberts,
Akins,	Griffin of Calhoun,	Riley of Taylor,
Bloodworth of Car-	Guerry,	Shropshire,
roll,	Hammond,	Staten,
Bloodworth of Pike,	Harris of Walton,	Stokes,

Bozeman.	Hixon,	Stowers,
Briscoe,	Holcombe,	Strickland,
Browning,	Jarrard,	Treadwell,
Collier,	Johnson of Fayette,	West,
Colquitt,	Knox,	Westbrooks,
Donaldson,	Mattox,	Whitaker,
Edmondson,	McConnell,	Wilcher,
Fain,	McDonald,	Williams of Berrien,
Fields,	McDuffie,	Williams of White,
Gholston,	McGuire,	Wooten,
Gibson,	Paine,	Young of Irwin,
Graham,	Price,	Young of Union,

Those voting in the negative are Messrs :

Adams of Elbert,	Gordon,	Robinson of Lau-
Arnold,	Hart,	rens,
Atkinson,	Harris of Merri-	Robinson of Talbot,
Ashley,	wether,	Riley of Lumpkin,
Banks,	Hays,	Shepherd,
Bennett,	Hill of Harris,	Slaughter,
Billups,	Hill of Sumter,	Spalding,
Bryan,	Hill of Troup,	Smith of Hancock,
Bush,	Humphries,	Smith of Jefferson,
Carlton,	Jamison,	Stripling,
Castleberry,	Johnson of Paulding,	Sutton,
Cochran,	Mallard,	Tate,
Cooper,	Marshall,	Thomas,
Cone,	Matthews,	Tucker,
Crowder,	McRea,	Turner,
Cumbie,	Mounger,	Walker,
Dawson,	Overstreet,	Ward,
Darden,	Pope,	Webb,
Drake,	Quillian,	Williams of Terrell,
Fambro,	Reid,	
Felton,	Reynolds,	

So the motion to reconsider was lost.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk :

*Mr. President* :—The House has passed the following bills, to-wit :

A bill for the relief of Jacob Weaver, Sarah Ann Weaver; (alias) Sarah Ann Calhoun, and for other purposes therein mentioned.

A bill to amend the several acts in relation to the assignment of dower, assented to Feb. 21st, 1850.

A bill authorizing the Court of Ordinary of Gordon county to pass an order in vacation, authorizing the sale of the land and negroes belonging to the estate of James C. Longstreet.

A bill to protect the estate of orphans, and to make permanent provisions for the poor, approved Dec. 18th, 1792.

A bill declaring the true intent and meaning of an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801.

Mr. Briscoe, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate:

An act to authorize the Ordinary of Troup county to pass upon the application of the administrators of James M. Potts, late of said county, deceased, for leave to sell the land and negroes belonging to said estate, at an adjourned term of the Court of Ordinary of said county

Also an act to legalize the time of the sitting of the Superior Court of the county of Glascock, and also to make legal the adjournments of said Court, and to change the time for the holding of the same.

The following message was received from the Governor, by Mr. McComb, his Secretary:

*Mr. President:*—I am directed by his Excellency, the Governor, to transmit to this branch of the General Assembly, a communication in writing, with accompanying report.

On motion of Mr. Cone, the following communication in writing from his Excellency, the Governor, was taken up and read.

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, November 10th, 1858. }

*To the General Assembly:*

I beg leave to invite your attention to a communication from Gen. Eli McConnell, Principal keeper of the Penitentiary, which is herewith transmitted.

The great difficulty in finding profitable employment for the convicts, has induced the Principal keeper to continue the business of making box cars. These he has been unable to sell for cash. The East Tennessee and Georgia Railroad Co., and the East Tennessee and Virginia Railroad Co., have each purchased fifteen of these cars, on a credit of two years on one half of the amount, and of three years on the other half, and have given their respective bonds for the same, bearing seven per cent interest, payable semi-annually. The New Orleans, Jackson and Great Northern Railroad Co. has purchased twenty-five cars, fifteen of which have been delivered and the other ten will soon be ready for delivery. On these cars, Mr. Wadley, the Superintendent of the latter road, asked a credit of only twelve months, with interest added to the principal and included in the bond, which is payable at the Central Railroad Bank, in Savannah, Ga.

These bonds are all considered perfectly good. The whole amount due from the three Companies, will be \$35,750, as

soon as the other ten cars shall have been delivered as per contract. It is reported to me that the materials used in the construction of these cars, have cost \$24,585, which is now falling due and must be paid, or the credit of the State must suffer. The amount of the bonds exceeds this indebtedness \$11,175, which would pay all the other liabilities of the Institution; but they cannot be sold in the market for cash without considerable discount, which the Penitentiary cannot well afford to lose, as the bonds are undoubtedly good, and will pay semi-annual interest at seven per cent per annum.

In this state of things, I recommend the legislature to pass an act authorizing the Governor to purchase these bonds at par for the State from the Penitentiary, together with any others of like character and solvency, which the Principal keeper may hereafter receive for cars, and to draw his warrant upon any moneys in the Treasury not otherwise appropriated, for a sum sufficient to pay for them.

Should the Principal Keeper be obliged to suspend the business of making cars on account of his inability to sell them for cash, paid on delivery, it is believed that the difficulty in finding profitable employment for the convicts, will be greatly increased.

JOSEPH E. BROWN.

Mr. Hill of Harris, moved that the foregoing communication from his Excellency the Governor, be referred to the committee on the Penitentiary, which was agreed to.

On motion of Mr. Cone the following communication in writing, from his Excellency the Governor, was taken up and read.

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, GA., Nov. 11th, 1858. }

*To the General Assembly:*

I have the honor herewith to transmit the report made to me by the Hon. James Thomas, Judge of the Superior Courts of the Northern Circuit, under the 3d section of the 4th division of the Penal Code, and I commend the suggestions contained in the report to the consideration of the legislature.

JOSEPH E. BROWN.

On motion of Mr. Smith of Hancock, the report of Hon. James Thomas, transmitted to the Senate by his Excellency the Governor, was referred to the Committee on the Judiciary.

Mr. Harris of Worth, from the Committee on New Counties and County Lines, made the following report:

The Committee on New Counties and County Lines, have had under consideration,

A bill to be entitled an act to change the line between the

counties of Coffee and Irwin, and report the bill back to the Senate and recommend that the same do pass.

Also a bill to be entitled an act to change the line between the counties of Macon and Sumter, and recommend the passage of the bill.

Also a bill to be entitled an act to change the lines between the counties of DeKalb and Henry, and recommend the passage of the bill.

Also a bill to be entitled an act to define the line dividing the counties of Miller and Early, and report the bill back without any expression of opinion as regards its merits.

W A. HARRIS, Chairman.

On motion of Mr. Reynolds the rules were suspended and the following bill of the House of Representatives was taken up and read the first time, to-wit:

A bill to be entitled an act to authorize the Court of Ordinary of Gordon county to pass an order in vacation authorizing the sale of the land and negroes belonging to the estate of James Longstreet, deceased, late of said county, on the first Tuesday in January next, by Jefferson M. Lamar, administrator, with the will annexed, on said estate.

On motion of Mr. Crowder the rules were suspended and the following bill of the House of Representatives was taken up, read the second time and referred to the Committee of the Whole, to-wit:

A bill to be entitled an act to confer certain powers upon persons therein named and authorize a settlement between them.

Mr. Adams introduced a bill to be entitled an act to change the line between the counties of Elbert and Hart, so as to include one hundred and seven acres of land and the residence thereon, of Allen S. Turner, now in the county of Elbert, and add the same to the county of Hart.

Which was read the first time.

Mr. Ashley introduced a bill to be entitled an act to require the Sheriffs in this State to make return to the Clerks of all writs of fieri facias placed in their hands for execution, and to more clearly prescribe the Clerk's duty in such cases, and for other purposes.

Which was read the first time.

Mr. Atkinson offered the following resolution:

Whereas DeBow's Review, published in the city of New Orleans, is in the opinion of this Legislature, a work for political, statistical and commercial information, second to none in America.

And whereas, the said Review embraces information on banking, internal improvements, cotton statistics and the general policy of the South on the slavery question, invaluable to this and future Legislatures of this State.



*Resolved*, That his Excellency the Governor of this State be authorized and requested to become a subscriber for said work in future, and to procure the back numbers from 1846, on the part of the State, for the use of the Library.

Mr. Bloodworth of Pike, introduced a bill to be entitled an act to amend the divorce laws of this State.

Which was read the first time.

Mr. Colquitt introduced a bill to be entitled an act for the relief of John B. Griffin of the county of Muscogee.

Which was read the first time.

Mr. Cumbie introduced a bill to be entitled an act for the relief of Amy Clark, formerly of Baker, now of Mitchell county.

Which was read the first time.

Also, a bill to be entitled an act to prescribe a plan for dividing the Poor School Fund of the county of Baker at the time of the organization of the county of Mitchell between the said counties.

Which was read the first time.

Mr. Drake introduced a bill to be entitled an act to alter and amend the road laws of this State, so far as relates to the county of Oglethorpe.

Which was read the first time.

Mr. Edmondson introduced a bill to be entitled an act to amend an act, approved 5th March, 1855, entitled an act to alter and amend the 6th section of an act, approved 11th February, 1854, entitled an act to incorporate the Dalton and Copper Mine Turnpike and Railroad Company, and to allow the company to build a Turnpike Railroad, and to extend the time to three years from the passage of this act, and ten years to complete the same.

Which was read the first time.

Mr. Fambro introduced a bill to be entitled an act to alter and amend the third section of the first article of the Constitution of the State of Georgia, so as to reduce the number of members in both branches of the General Assembly. The Senate to consist of forty members and the House to one from each county.

Which was read the first time.

And on motion of Mr. Cone, 150 copies were ordered to be printed for the use of the Senate.

Mr. Fields introduced a bill to be entitled an act to authorize the executors of the estate of Robert McAfee, late of the county of Gwinnett, in this State, deceased, to sell certain lands of said deceased, at private sale, to make titles to the same, and for other purposes.

Which was read the first time.

Mr. Gibson introduced a bill to be entitled an act to extend the provisions of the 11th section of an act, approved February 22d, 1850, in relation to compensations of Tax Collec-

ters and Receivers of Chatham county to the county of Richmond.

Which was read the first time.

Also, a bill to be entitled an act to authorize the Jailor of Richmond county to demand and collect Jail fees in advance for persons confined in said Jail for debts.

Which was read the first time.

Also, a bill to be entitled an act to authorize guardians, administrators, and trustees residing in the county of Richmond, to invest the funds in their hands as such in the bonds of the city of Augusta, issued by authority of the City Council of Augusta.

Which was read the first time.

Also, a bill to be entitled an act to authorize the Ordinary of Richmond county to demand and receive certain fees therein mentioned, and for other purposes.

Which was read the first time.

Mr. Hammond introduced a bill to be entitled an act to suppress fraudulent titles to lotteried lands in this State and to establish the bona fide titles thereof.

Which was read the first time.

Mr. Hill of Harris, introduced a bill to be entitled an act to confer certain privileges upon William A. Barden of the county of Muscogee, a minor of the age of twenty years, and son of Nathaniel H. Barden of the county of Harris, and to make lawful his acts, and give him authority to transact business as though he was of full age.

Which was read the first time.

Also, a bill to be entitled an act to prescribe the mode and manner of foreclosing mortgages upon real estate.

Which was read the first time.

Mr. Holcomb offered the following resolution :

*Be it resolved*, That our Senators and Representatives in Congress be requested to use their influence in procuring a tri-weekly Hack line from Canton in Cherokee county, Georgia, by way of Fort Buffington, Orange, Upper Hightower, Barettsville, as the said line will greatly increase the mail facilities of that section of the State, on account of a large portion of the citizens between the first named points being entirely without mail facilities, and no portion of them receiving a mail oftener than once a week, except Canton office of the county of Cherokee.

Mr. McConnell introduced a bill to be entitled an act to authorize the appointment of a master in Equity in and for the several counties of the Cherokee Circuit, and to authorize the Judge to submit to said master all matters of account, vouchers, receipts &c. for his examination and report, and to define the duties of such master in Equity, and for other purposes.

Which was read the first time.

Mr. McDuffie introduced a bill to be entitled an act to add the county of Wilcox to the second Congressional district; which was read the first time.

Mr. Paine introduced a bill entitled an act to authorize James Boyd, late Tax Collector of Telfair county to make titles to the lands sold by him as Tax Collector aforesaid, and by virtue of fi. fas issued by him as said Tax Collector; which was read the first time.

And offered the following resolution :

*Resolved*, That hereafter the Senate will meet at 9½ o'clock A. M., and adjourn at 2½ o'clock P. M. for the day, until otherwise ordered by the Senate.

Mr. Roberts introduced a bill to be entitled an act to alter and amend an act to change the lines between the counties of Cobb and Paulding, so as to include the lot whereon John W White now lives in Cobb county, assented to December 22d, 1857, which was read the first time.

Mr. Slaughter introduced a bill to be entitled an act to authorize attorneys at law to control executions and for other purposes, which was read the first time.

Also, a bill to be entitled an act to give to rules absolute against officers in this State a lien upon property, and to give officers the control of executions in certain cases, which was read the first time.

Mr. Spaulding introduced a bill to be entitled an act for the relief of the securities of George Wing, former Tax Collector of the county of McIntosh, which was read the first time.

Mr. Tucker offered the following resolution :

*Resolved*, That on Monday the (15th) inst., and from and after that day, the Senate shall meet at 9 o'clock, A. M., and at 3 o'clock, P. M., and that said times of meeting shall only be changed by a vote of two-thirds of the Senate.

Mr. Stowers introduced a bill to be entitled an act to extend the corporate limits of the town of Hartwell, in Hart county, which was read the first time.

Mr. Treadwell introduced a bill to be entitled an act to provide for the protection of forest trees and other timber in the county of Whitfield, and to punish certain offences in violation thereof, which was read the first time.

Mr. Walker introduced a bill to be entitled an act to authorize Robert Adams of Crawford county to peddle in said county without paying for license to do so, which was read the first time.

Mr. Westbrook introduced a bill to be entitled an act to authorize the Inferior Court of Harralson county to levy an extra tax for the purpose of extinguishing the debt of said county, and for other purposes, which was read the first time.

Mr. Ward of Butts introduced a bill to be entitled an act

to authorize the Justices of the Inferior Court of the several counties of this State to appoint commissioners to settle disputed county lines between contiguous counties in this State, and the duty of said commissioners prescribed, which was read the first time.

Mr. Whitaker introduced a bill to be entitled an act to regulate the order in which criminal cases shall be called and disposed of in the Superior Courts of this State, and for other purposes, which was read the first time.

Also, a bill to be entitled an act to repeal the 19th section of an act to incorporate a bank in the city of Atlanta, to be called the Bank of Fulton, and for other purposes, which was read the first time.

And offered the following resolution :

*Resolved*, That the Committee on Banks be and are hereby requested to frame and report a bill at an early day to the Senate with sufficient pains and penalties as will force obedience and compliance on the part of the banks of this State to the laws of the State.

Mr. Young of Irwin introduced a bill to be entitled an act to change the line between the county of Irwin and Worth, which was read the first time.

Mr. Young of Union introduced a bill to be entitled an act to lay out and organize a new county from the counties of Union, Fannin and Gilmer, and for other purposes therein named, which was read the first time.

Also, a bill to be entitled an act to amend an act for ascertaining the right of aliens, and pointing out a mode for admission of citizens, approved 7th February, 1785, which was read the first time.

Mr. Harris of Worth introduced a bill to be entitled an act to more correctly define the eastern limit of the county of Worth, which was read the first time.

Mr. Briscoe introduced a bill to be entitled an act to change the times of holding the Inferior Courts of the county of Baldwin, which was read the first time.

Mr. Cooper moved that so much of the annual message of his Excellency the Governor as relates to lotteries and the sale of lottery tickets be referred to a select committee of three, which was agreed to.

And the chair appointed Messrs. Cooper, Gibson and Briscoe as that committee.

On motion of Mr. Whitaker the rules were suspended, and the resolution previously offered by himself in relation to requesting the Committee on Banks to report a bill to the Senate, was taken up, read and agreed to.

Mr. Whitaker moved that the resolution just agreed to be delivered to the chairman of the Committee on Banks, which was agreed to.

On motion of Mr. Slaughter, the rules were further suspend-

ed, and the resolution offered by Mr. Atkinson, in relation to DeBow's Review, was taken up and read.

Mr. Harris of Worth moved to amend the resolution by adding the following words thereto, to-wit:

And that his Excellency be authorized to subscribe for two thousand copies of the Christian Advocate for the use of the State.

Mr. Fambro moved further to amend by adding the following words to the resolution, to-wit:

And also 500 copies of such paper as may now or hereafter be printed in the town of Thomaston, Upson county.

Mr. Paine moved further to amend the resolution by adding the following words thereto, to-wit:

And that his Excellency the Governor be authorized to subscribe for two thousand copies of a paper to be established and known as "The Horn," to be devoted to the cause of temperance and internal improvement, for the use of the Legislature and public officers generally.

Mr. Hill of Harris moved further to amend the resolution by adding the following words thereto, to-wit:

And also for 500 copies of the Cuthbert Reporter, formerly known as the Organ, and until its change of name, devoted to the science of vocal music, and affording curious and useful information in the use of patent notes—so training the human voice as to reach every conceivable flat and sharp on the scale, and in many instances to so instruct the voice as to equal the plaintive trill of the canary, or the lofty strains of the mocking bird.

Mr. Ward of Butts moved that the resolution and the amendments offered thereto be laid on the table for the present, which was agreed to.

Mr. Fields moved that the regular order be suspended for the purpose of taking up the resolutions on the Secretary's desk which have laid over one day under the rule of the Senate, which was agreed to.

The joint resolution previously offered by Mr. Harris of Merriwether in relation to the establishment of a Natural Armory in this State was taken up, read and agreed to.

On motion of Mr. Riley of Lumpkin, Mr. Holcomb was added to the Committee on the Military.

On motion of Mr. Colquitt, Mr. Harris of Merriwether was added to the committee on the Judiciary.

The resolution previously offered by Mr. Fields in relation to bills to incorporate churches, camp grounds &c, was taken up and read.

Mr. Bloodsworth of Pike moved to amend the same by adding the following words thereto, to-wit:

Provided that the adoption of this resolution shall not effect the consideration of any bill incorporating churches which

has already been introduced in either branch of the General Assembly.

Mr. Williams of Terrell moved that the resolution and amendment be referred to the committee on the Judiciary.

Pending which on motion of Mr. Spaulding the Senate adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION THREE O'CLOCK, P. M.

The Senate met according to adjournment.

And resumed the consideration of the unfinished business of the morning which was the motion to refer the resolution previously offered by Mr. Fields and the amendment to the committee on the Judiciary. And the question being put, the motion was lost.

The question recurring on the amendment offered by Mr. Bloodworth of Pike the same was put and the motion agreed to.

Mr. Gibson moved that the resolution be laid on the table for the balance of the session.

Upon agreeing to which motion the yeas and nays were required to be recorded and were yeas 54 nays 30.

Those voting in the affirmative are Messrs :

Adams of Elbert,	Gibson,	Shepherd,
Arnett,	Gordon,	Smith of Jefferson,
Arnold,	Graham,	Staten,
Beall,	Guerry,	Stripling,
Bennett,	Hart,	Thomas,
Bloodworth of Carroll,	Harris,	Tison,
Bloodworth of Pike,	Hays,	Turner,
Bryan,	Hill, of Harris,	Walker,
Castleberry,	Hill, of Troup,	Warthen,
Cooper,	Hixon,	Webb,
Cumbe,	Humphries,	West,
Dawson,	Johnson, of Paulding,	Westbrooks,
Darden,	McConnell,	Whitaker,
Donaldson,	McGuire,	Wilcoxson,
Drake,	McRea,	Williams of Terrell,
Fain,	Mounger,	Young, of Irwin,
Felton,	Overstreet,	Young, of Union,
Gholston,	Robinson of Talbot	

Those voting in the negative are Messrs :

Adams of Rabun,	Harris of Merriweth-	Roberts,
Akins,	er,	Riley, of Lumpkin
Banks,	Harris, of Walton,	Slaughter,
Bozeman,	Holcombe,	Spalding,
Bush,	Jamison,	Smith of Hancock,
Cochran,	Jarrard,	Tate,
Collier,	Knox,	Treadwell,
Colquitt,	Price,	Tucker,
Crowder,	Quillian,	Ward,
Fields,	Reynolds,	Williams of White,
		Wooten,

So the motion to lay on the table for the balance of the session prevailed.

The resolution previously offered by Mr. Riley of Lumpkin in relation to the per diem pay of absent Senators was taken up and read.

Mr. Whitaker moved to amend the resolution by inserting the following words therein "or by leave of the Senate" after the words "providential cause," which was agreed to.

Mr. Spaulding moved further to amend the resolution by adding thereto the following resolve, to-wit:

*Resolved*, That the provisions of this resolution apply only to the county of Lumpkin, which was agreed to.

Mr. Cochran moved to lay the resolution on the table for the balance of the session.

Upon agreeing to which motion the yeas and nays were required to be recorded and were yeas 35 nays 65.

Those voting in the affirmative are Messrs :

Adams of Elbert,	Cochran,	McGuire,
Adams of Rabun,	Cooper,	Reid,
Akins,	Cone,	Riley of Taylor,
Arnett,	Darden,	Shepherd,
Arnold,	Donaldson,	Staten,
Beall,	Drake,	Turner,
Bennett,	Hart,	Warthern,
Bloodworth of Car-	Harris of Walton,	Webb,
roll,	Mattox,	Westbrooks,
Bloodworth of Pike	Marshall,	Williams of Berrien,
Bozeman,	Mathews,	Williams of Terrell,
	McDonald,	Young, of Irwin,
Bryan,		

Those voting in the negative are Messrs :

Ashley,	Harris, of Worth,	Shropshire,
Banks,	Hays,	Slaughter,
Billups,	Hill of Harris,	Spalding,

Briscoe,	Hill of Sumter,	Smith of Hancock,
Bush,	Hill of Troup,	Smith of Jefferson,
Castleberry,	Holcombe,	Stokes,
Collier,	Humphries,	Stripling,
Colquitt,	Jamison,	Sutton,
Crowder,	Jarrard,	Tate,
Cumbie,	Johnson of Pa'lding,	Thomas,
Fain,	Knox,	Tison,
Fambro,	Mallard,	Treadwell,
Felton,	McConnell,	Tucker,
Fields,	Mounger,	Walker,
Gholston,	Overstreet,	Ward,
Gibson,	Price,	West,
Gordon,	Quillian,	Whitaker,
Graham,	Reynolds,	Wilcher,
Gresham,	Roberts,	Wilcoxson,
Guerriy,	Robinson of Talbot,	Williams of White,
Hammond,	Riley of Lumpkin,	Wooten,
Harris of Merri-		Young of Union,
wether,		

So the motion to lay on the table for the balance of the session did not prevail.

The question recurring on the motion to agree to the resolution as amended, the previous question was called and being seconded the main question was ordered to be put, the main question was then put and the resolution was lost.

The following message was received from the Governor, through Mr. McComb his Secretary.

Mr. President the Governor has signed the following bills, to-wit:

An act, to legalize the time of the sitting of the Superior Court of the County of Glasscock and also to make legal the adjournments and to change the time of holding the same.

An act, to authorize the Ordinary of Troup county to pass upon the application of the administrators of James M. Potts deceased, for leave to sell the land and negroes, belonging to said estate.

On motion of Mr. Reynolds the rules were suspended for the purposes of taking up and reading Senate bills the second time.

The following bills were taken up severally, read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act to incorporate the Western & Atlantic Railroad Company of the State of Georgia, and to require the Governor to lease to said Company the Western & Atlantic Railroad.

Also a bill to be entitled an act to change the time of hold-



ing the Superior Courts in the counties of Wilcox, Telfair, Irwin and Berrien in the Southern Circuit.

Also a bill to be entitled an act to incorporate a corps of Infantry in the town of Fort Valley and to confer certain privileges upon the same.

Also a bill to be entitled an act to exempt contractors their hands and employees on the Atlantic and Gulf Railroad from common road duty in the several counties on the line of said Railroad.

Also a bill to be entitled an act to require the fees of the clerk of the Superior Court of the county of Worth for the recording of deeds or other couneyances to be paid in accordance &c.

Also a bill to be entitled an act to compel owners of land lying and being in the county of Irwin to return a list of them to the Clerk of the Superior Court of said county.

Also a bill to be entitled an act to regulate judgments at law and for other purposes therein specified.

Also a bill to be entitled an act to legalize and make valid the Sheriff's bond of the county of Glasscock.

Also a bill to be entitled an act to raise the bonds of Constables from five hundred to one thousand dollars.

Also a bill to be entitled an act to make legal and valid the acts of George H. Harris of the State of Mississippi as executor of Jephtha V Harris, and for other purposes.

Also a bill to be entitled an act to incorporate the town of Hawkinsville in the county of Pulaski and to provide for the election of commissions for the same.

Also a bill to be entitled an act for the relief of David Dyer of the county of Morgan and for other purposes.

Also a bill to be entitled an act to incorporate a Railroad Company to be called the Atlantic and Gulf Railroad Company and for other purposes therein named, approved February 27th 1856.

Also a bill to be entitled an act to exempt from sale for debts contracted after a given time certain articles for the subsistence of debtors family approved December 23d 1822, and the several acts amendatory thereof.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the city of Americus.

Also, a bill to be entitled an act to change the time of holding the Inferior Courts of the county of Cherokee. \*

Also, a bill to be entitled an act, to repeal an act entitled an act to authorize the Justices of the Inferior Court of the several counties in this State to create and lay out any new districts, or change and alter the lines of those already laid out, assented to 23d December, 1839, so far as relates to the county of Cherokee, assented to December 22, 1840, and to legalize all districts made and lines changed by the Inferior

Court of Cherokee county, since the passage of said act and to legalize the acts done by the officers in said district.

Also, a bill to be entitled an act to incorporate the town of Waresboro, and provide for the government of the same.

Also, a bill to be entitled an act to repeal all laws relating to head rights, so far as they apply to Washington county.

Also, a bill to be entitled an act to amend an act entitled an act to regulate the rates of Tavern license in this State, approved December 15th, 1809, so far as the same relates to the county of Wilcox.

Also, a bill to be entitled an act to incorporate the Atlanta, West Point and Columbus Magnetic Telegraph Company.

Also, a bill to be entitled an act for the relief of William S. Packley, and to relieve him from certain disabilities.

Also, a bill to be entitled an act to alter and amend an act in relation to the Poor School System, so far as relates to Lumpkin county, and for other purposes.

Also, a bill to be entitled an act for the relief of Loverd Bryan of Stewart county, &c.

Also, a bill to be entitled an act to change the time of holding the the Superior Courts of the counties of Baker and Mitchell.

Also, a bill to be entitled an act to repeal an act to consolidate the offices of Tax Collector and Receiver of Tax returns, so far as respects the county of Worth, passed the 1st of March, 1856, and to provide for the election in future of one Tax Collector and one Tax Receiver, separately, in said county of Worth, as provided for by the laws of this State.

Also, a bill to be entitled an act to regulate the compensation of jurors in the county of Jefferson.

Also, a bill to be entitled an act, authorizing the appointment of a State Geologist, and for other purposes.

Also, a bill to be entitled an act to incorporate the Washington Rifles, and to grant certain privileges to them.

Also, a bill to be entitled an act for the relief of Amanda C. Hournory of Washington county.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Grand Lodge Knights of Jericho of the State of Georgia, and for other purposes therein named, so far as to change the motto mentioned in said act.

Also, a bill to be entitled an act to declare the true intent and meaning of an act entitled an act to authorize the Justices of the Inferior Court of the county of Gwinett to levy an extra tax to pay for the erection of a new Court-House in said county, approved March 1st, 1856, to amend the caption of said act and for other purposes.

The following bills were taken up, severally read the second time, and referred to the committee on the Judiciary.

A bill to be entitled an act to make uniform the criminal

practice in the several Judicial Circuits in this State, and also to alter the rules of evidence in criminal trials in certain cases, and for other purposes.

Also, a bill to be entitled an act amendatory of an act to authorize the issuing of attachments and garnishments and to regulate proceedings in relation to the same, and for other purposes therein mentioned, approved March 4th, 1856, so far as to make the shares or interest of stockholders in any corporation in this State subject to attachment and sale, and for other purposes therein mentioned.

Also, a bill to be entitled an act to repeal the usury laws of this State, where the rate of interest is agreed upon by the parties and expressed in the face of the promise to pay, &c.

Also, a bill to be entitled an act to limit the lien of judgments in this State upon property in the hands of third parties who are bona fide purchasers without notice.

Also, a bill to be entitled an act to render uniform the decisions of the Supreme Court and for other purposes.

Also, a bill to be entitled an act to amend an act pointing out the mode of collecting a certain description of debts therein mentioned, and to extend the provisions of the same.

Also, a bill to be entitled an act for the better regulation of the practice in carrying cases to the Supreme Court, and for other purposes therein named.

Also, a bill to be entitled an act to alter and amend an act entitled an act to make valid all commissions which may have heretofore been or may hereafter be issued in blank for the purpose of taking testimony in any case arising or which may have arisen in any of the Courts of Law or Equity in this State.

Also, a bill to be entitled an act to alter and amend the fourteenth section of the fifth division of the Penal Code of this State.

Also, a bill to be entitled an act to amend the Judiciary Act of 1799, so far as relates to the foreclosure of mortgages on personal property, when the amount so claimed does not exceed the jurisdiction of a Justice Court.

Also a bill to be entitled an act to prescribe the mode of perfecting service, and to regulate proceedings in certain cases of scirefacias on non-residents.

Also, a bill to be entitled an act to alter and amend the second section of the first division of the Penal Code of this State.

Also, a bill to be entitled an act to define the powers of the Supreme Court of this State, relative to the reversal of its own decisions.

Also a bill to be entitled an act to repeal a part of the sixth section of the act of March 4th, 1854, in relation to attachments, and for other purposes.

The following bills were taken up severally, read the second time, and referred to the committee on new counties and county lines :

A bill to be entitled an act to change the line between the counties of Stewart and Chattahoochee, so as to add lots numbers 109, 110, 115 and 116, in the 3d district originally Lee now Stewart county in the county of Chattahoochee.

Also a bill to be entitled an act to add numbers 210, 234 and 256 in the 4th district of Irwin, to the county of Wilcox.

Also a bill to be entitled an act to change the line between the counties of Cobb and Cherokee, so as to include the land belonging to Ephraim B. Sarjeant, in Cobb county.

Also a Bill to be entitled an act to change the county line between the counties of Fulton and Fayette, so as to add four ranges of lots of land to the county of Fulton.

Also a bill to be entitled an act to change the line between the counties of Wayne and Glynn, so as to include the residence of James Stafford, in the county of Wayne.

Also a bill to be entitled an act to add a part of the county of Forsyth to the county of Milton.

Also a bill to be entitled an act to change the line between the counties of Pearce and Ware.

The following bills were taken up severally, read the second time, and referred to the committee on Banks :

A bill to be entitled an act to incorporate a bank in the city of Marietta, to be known as the Marietta Bank.

Also a bill to be entitled an act to incorporate the Cotton Planter's Bank Deposit and Loan Association of the State of Georgia.

Also a bill to be entitled an act to define the liability of stockholders in banks and other chartered institutions.

The following bill was taken up, read the second time, and referred to the committee on Internal Improvements :

A bill to be entitled an act to aid and encourage the construction of the "Georgia Air Line Railroad" on certain conditions therein named.

On motion, leave of absence was granted to Mr. Hill of Troup, for a few days.

Also to Mr. Williams of Terrell, for a few days after Saturday next—to Mr. Smith of Jefferson, for a few days after Wednesday next, and to Mr. Humphries for a few days after to-morrow.

On motion of Mr. Harris of Worth, the Senate then adjourned until 10 o'clock to-morrow morning.

FRIDAY, NOVEMBER 12th, 1858.

TEN O'CLOCK, A. M.

The Senate met according to adjournment, the Hon. William M. Brown, President pro tempore, in the chair.

Mr. Tucker moved to reconsider so much of the Journal of yesterday as relates to the vote by which the resolution previously offered by Mr. Riley of Lumpkin, in relation to the per diem pay of absent Senators was lost, which was agreed to.

On motion of Mr. Smith of Hancock, Mr. Reynolds was added to the committee on new counties and county lines.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk :

*Mr. President* :—The House has agreed to the following resolution, to wit :

*Resolved*, That the General Assembly will convene in the Representative Chamber on Friday, the 12th inst., at 12 o'clock, M., to elect a director on the part of the State in the Bank of the State of Georgia, in which they ask the concurrence of the Senate.

The House has also passed the following bills, to wit :

A bill to be entitled an act to amend an act to authorize and require the trustees of Trenton Academy to sell the same, together with the lot of land upon which it is located.

A bill to be entitled an act authorizing Martha B. Banks, administratrix, and Joseph H. Banks, administrator, of Richard Banks, deceased, to sell certain lands at private sale.

A bill to be entitled an act to amend an act to incorporate the Georgia Air Line Railroad Company, and to confer on them certain powers and privileges therein mentioned.

A bill to be entitled an act to incorporate "Gaulding Lodge" number 215, of Free and Accepted Masons, of Fayette county.

A bill to be entitled an act to straighten, define and mark a part of the county line between the counties of Green and Oglethorpe, and to provide for the running of the same.

A bill to be entitled an act to incorporate the Penfield Branch Railroad Company.

On motion, leave of absence was granted to Messrs. Shepherd, Jossey, Beall, Mathews and McConnel, for a few days.

Mr. Ward of Butts moved that the rules be suspended for the purpose of taking up the resolution upon the table in relation to DeBow's Review and the amendments offered thereto, which was agreed to.

Mr. Colquitt moved to lay the resolution and amendments on the table for the balance of the session.

Upon which motion Mr. Hill of Harris, demanded the

previous question; and being seconded, the main question was ordered to be put. The main question was put, which was on agreeing to the motion to lay the resolution and amendments on the table for the balance of the session, and the motion was agreed to.

¶ On motion of Mr. Cone the rules were further suspended and the joint resolution of the House of Representatives in relation to the election of a Director for the Bank of the State of Georgia was taken up, read, and concurred in.

And on motion of Mr. Cone the action of the Senate thereon was ordered to be forthwith communicated to the House of Representatives.

Mr. Tucker moved that the rules be suspended for the purpose of introducing a bill, which was agreed to.

Mr. Tucker introduced a bill to be entitled an act to authorize the issuing of garnishments in this State in favor of persons who have slave property in any free State which refuses to deliver up such slave or slaves, against persons in this State indebted to any citizen of such disloyal State, and for other purposes, which was read the first time.

And on motion of Mr. Guerrey, 150 copies of the same were ordered to be printed for the use of the Senate.

Mr. Tucker from the committee on the Judiciary made the following report.

The Committee on the Judiciary have had under consideration the following bills.

A bill to be entitled an act to declare the true intent and meaning of an act entitled an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801.

And an act entitled an act supplementary to and more effectually to enforce an act prescribing the mode of manumitting slaves in this State, approved December 19th, 1818.

Also a bill to be entitled an act to collect interest on open accounts in this State after they are due and to fix the time when they shall fall due when the same is not agreed upon by the parties.

The Committee recommend the passage of said bills.

The Committee have also considered the bill,

To be entitled an act authorizing the Justices of the Peace for the 411th District of Hall county to hold Court two days and for other purposes.

And recommend that the same do not pass. But recommend the passage of the substitute proposed by the Senator from Pike in lieu, to-wit:

A bill to be entitled an act to authorize Justices of the Peace in any Militia District in this State to adjourn their Courts from day to day or to hold Court two or more days in each month whenever the business of any of their Courts require it, with the following amendment to the first section to-wit:

And that the Constables sales shall be made on the first day of the Court.

JOHN A. TUCKER, Chairman.

On motion of Mr. Hill of Harris, the rules were further suspended and a memorial from Hon. Howell Cobb of the county of Houston in relation to a revised edition of his "Analysis and Forms" was read and referred to the Committee on the Judiciary.

On motion of Mr. Hill of Sumter, the rules were further suspended for the purpose of introducing a bill.

Mr. Hill of Sumter introduced a bill to be entitled an act to alter and change the time of holding the Superior and Inferior Courts of the county of Sumter.

Which was read the first time.

On motion of Mr. Gibson the rules were further suspended for the purpose of introducing a bill.

Mr. Gibson introduced a bill to be entitled an act to amend the several laws of the State of Georgia in relation to insolvent honest debtors and ca. sas.

Which was read the first time.

On motion of Mr. Roberts the rules were further suspended and the following bill of the House of Representatives was taken up, and read the first time to-wit:

A bill to be entitled an act to appropriate money for the payment of such Judges of the Superior and Supreme Courts as hold commissions bearing date subsequent to the passage of the act at the last session of General Assembly raising the salaries of those officers and for the payment of certain sums herein named to R. K. Hines and William M. Reese.

Mr. Harris of Worth from the Committee on new counties and county lines made the following report. That the committee on new counties and county lines have had under consideration a bill to be entitled an act to lay out and organize a new county from the counties of Stewart and Randolph and for other purposes and report the same back to the Senate and unanimously recommend the passage of said bill.

Also a bill entitled an act to change the line between the counties of Spalding and Butts and recommend the passage of said bill.

On motion of Mr. Young of Union the rules were further suspended and the Senate took up as the report of the Committee of the whole

A bill to be entitled an act authorizing the appointment of a State Geologist and for other purposes.

Which on motion of Mr. Young of Union was referred to the Committee on Internal Improvements.

On motion of Mr. Crowder the rules were further suspended and the Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to confer certain powers upon persons therein named and authorize a settlement between them.

Mr. Crowder moved to amend the report by adding the following proviso to said bill to-wit:

Provided that nothing in this act shall be so constructed as to make Josephene H. Jackson a sole trader or *femme-sole* as to any other contract or contracts or any other property save and excepted, to act as trustee for the property, its increase and profits as therein mentioned, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

And on motion of Mr. Crowder the same was ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. Whitaker the rules were suspended and the following bill of the House of Representatives was taken up, read and referred to the committee of the whole, to-wit:

A bill to be entitled an act to authorize the Court of Ordinary of Gordon county to pass an order in vacation authorizing the sale of the lands and negroes belonging to the estate of James C. Longstreet (deceased) late of said county on the first Tuesday in January next by Jefferson M. Lamar administrator with the will annexed on said estate.

On motion of Mr. Fields the rules were further suspended and the resolution previously offered by Mr. Holcomb in relation to a tri-weekly Hack line was taken up, read and agreed to.

Mr. Paine from the Committee on Enrollment reported as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate, a resolution as follows:

*Resolved*, That the General Assembly will convene in the Representative Chamber on Friday the 12th inst., at 12 o'clock A. M. to elect a Director on part of the State in the Bank of the State of Georgia.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to declare the true intent and meaning of an act entitled an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801.

And an act entitled an act supplementary to and more effectually to enforce an act prescribing the mode of manumitting slaves in this State, approved December 19th, 1818.

And on motion of Mr. Hill of Harris the same was made the special order for Monday next.

The Senate took up as the report of the Committee of the whole.

A bill to be entitled an act to change the county line between Henry and DeKalb counties.



The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to collect interest on open accounts in this State after they are due and to fix the time when accounts shall fall due, when the same is not agreed upon by the parties.

The report was agreed to, the bill read the third time and passed.

The Senate took up as the report of the Committee of the whole.

A bill to be entitled an act authorizing the holding of the Justices Court for the 11th District of Hall county two days and for other purposes.

And the substitute offered for the same by Mr. Bloodworth of Pike to-wit :

A bill to be entitled an act to authorize the Justices of the Peace in any Militia District in this State to adjourn their Courts from day to day or to hold Court two or more days in each month whenever the business of any of their Courts requires it.

The Committee on the Judiciary moved to amend the report by adding the following words to the first section of the substitute, to-wit :

And that the Constables sales shall be made on the first day of the Court.

Which was agreed to, and the substitute as amended was received in lieu of the original bill.

The report as amended was then agreed to, the bill was read the third the time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the line between the counties of Coffee and Irwin.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to define the line between Miller and Early counties.

Mr. Collier moved to amend the report by inserting in the first section of said bill as additional commissioners the names of James Bush, Joseph W. Lane and Isaac Dubose of the county of Early, which was agreed to.

Mr. Bush moved further to amend the report by inserting in the first section of said bill as additional commissioners the names of Henry Batts and John C. Sheffield of the county of Miller.

Mr. Adams of Elbert, called the previous question, which was seconded, and upon the question "shall the main question be now put?" Mr. Bush required the yeas and nays, which being recorded, were yeas 59, nays 35.

Those who voted in the affirmative are Messrs:

Adams of Elbert,	Griffin of Calhoun,	Spalding,
Adams of Rabun,	Hart,	Smith of Jefferson,
Akins,	Harris of Walton,	Staten,
Ashley,	Harris of Worth,	Stokes,
Bartlett,	Hixon,	Stowers,
Beall,	Holcombe,	Stripling,
Bennett,	Humphries,	Tate,
Bloodworth of Car-	Johnson of Pauld-	Turner,
roll,	ing,	Walker,
Bloodworth of Pike,	Jossey,	Warthen,
Bozeman,	Knox,	Webb,
Briscoe,	Mattox,	West,
Bryan,	McConnell,	Westbrooks,
Cochran,	McDuffie,	Whitaker,
Collier,	McGuire,	Williams of Ber-
Cone,	Mounger,	rien,
Donaldson,	Quillian,	Williams of Terrell,
Edmondson,	Roberts,	Wooten.
Fain,	Robinson of Talbot,	Young of Irwin,
Felton,	Riley of Taylor,	Young of Union.
Gholston,	Slaughter,	

Those who voted in the negative are Messrs:

Arnold,	Gresham,	Pope.
Banks,	Harris of Merri-	Reid,
Billups,	wether,	Robison of Laurens,
Carlton,	Hays,	Riley of Lumpkin.
Castleberry,	Hill of Harris,	Smith of Hancock.
Cooper,	Jamison,	Sutton,
Crowder,	Jarrard,	Thomas,
Darden,	Marshall,	Tucker,
Drake,	Matthews,	Ward,
Fampro,	McDonald,	Wilcher,
Gordon,	McRea,	Wilcoxson,
Graham,	Overstreet,	Williams of White,

So the main question was ordered to be put.

The main question was then put, which was the motion to agree to the report as amended, and the report as amended was agreed to.

The bill was read the third time and upon the question, shall this bill now pass? Mr. Bush required the yeas and nays, which being recorded were yeas 60, nays 30.

Those voting in the affirmative are Messrs :

Adams of Elbert,	Graham,	Shepherd,
Adams of Rabun,	Gresham,	Spalding,
Akins,	Griffin of Calhoun,	Smith of Jefferson,
Ashley,	Hart,	Staten,
Bartlett,	Harris of Walton,	Stokes,
Beall,	Harris of Worth,	Stowers,
Bennett,	Hixon,	Stripling,
Bloodworth of Car-	Holcombe,	Tate,
roll,	Humphries,	Treadwell,
Bozeman,	Jarrard,	Turner,
Briscoe,	Johnson of Paulding,	Warthen,
Bryan,	Knox,	Webb,
Cochran,	Mattox,	West,
Collier,	McConnell,	Westbrooks.
Cooper,	McDonald,	Whitaker,
Cone,	McDuffie,	Williams of Berrien,
Donaldson,	McGuire,	Williams of Terrell,
Fain,	Quillian,	Wooten,
Fambro,	Roberts,	Young of Irwin,
Fields,	Robinson of Talbot,	
Gholston,	Riley, of Taylor,	

Those who voted in the negative are Messrs :

Arnett,	Harris of Merriweth-Smith of Hancock,
Arnold,	er, Sutton,
Banks,	Hays, Thomas,
Billups,	Hill of Harris, Tucker,
Bloodworth of Pike,	Hill of Sumter, Walker,
Bush,	Matthews, Ward,
Carlton,	McRea, Wilcher,
Castleberry,	Pope, Wilcoxson,
Darden,	Reid, Williams of White,
Drake,	Robinson of Laurens
Gordon,	Riley of Lumpkin,

So the bill was passed.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk :

*Mr. President* :—I am directed by the House of Representatives to inform the Senate that they are now ready to receive them in their Hall for the purpose of proceeding to the election of a director on the part of the State of the Bank of the State of Georgia.

On motion of Mr. Cone the Senate repaired to the Representative Hall, and the General Assembly proceeded to the election of a director, on the part of the State, for the Bank of the State of Georgia, to fill the vacancy occasioned by the resignation of Robert B. Young, Esq., and upon receiving and counting out the ballots it appeared that Solomon Cohen, Esq., of the county of Chatham, was duly elected.

The Senate then returned to its Chamber and resumed its business.

Mr. Jössey moved that the rules be suspended for the purpose of introducing a bill, which was agreed to.

Mr. Jossey introduced a bill to be entitled an act to amend an act entitled an act to incorporate Marshall College, in the city of Griffin, approved December 5th, 1853, which was read the first time.

On motion of Mr. Hill of Harris, the Senate then adjourned until 9 o'clock to-morrow morning.

*SATURDAY, NOVEMBER 13th, 1858.*

NINE O'CLOCK, A. M.

The Senate met according to adjournment. The Hon. William M. Brown, President pro tempore, in the chair.

Mr. Tucker moved to reconsider so much of the Journal of yesterday as relates to the vote by which a bill to be entitled an act to define the line dividing the counties of Miller and Early was passed, which was agreed to.

On motion of Mr. Bush the rules were suspended and the Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to define the line dividing the counties of Miller and Early.

Mr. Bush moved that the foregoing bill be referred to a select committee of five, which was agreed to.

And the Chair appointed Messrs. Bush, Collier, Tucker, Slaughter and Williams of Terrell, as that committee.

On motion of Mr. Dawson the rules were further suspended and the following bill of the House of Representatives was taken up, read the second time and referred to the Committee of the Whole, to-wit:

A bill to be entitled an act to appropriate money for the payment of such Judges of the Superior and Supreme Courts as hold commissions bearing date subsequent to the passage of the act at last session of the General Assembly, raising the salaries of those officers, and for the payment of certain sums herein named to R. K. Hines and William M. Reese.

On motion of Mr. Reynolds the rules were further suspended and the Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to authorize the Court of Ordinary of Gordon county to pass an order in vacation authorizing the sale of the lands and negroes belonging to the es-

tate of James C. Longstreet, (deceased,) late of said county on the first Tuesday in January next, by Jefferson M. Lamar, administrator with the will annexed on said estate.

The report was agreed to, the bill was read the third time and passed.

Mr. Gholston, from the Committee on the Penitentiary, made the following report:

The Joint Committee on the Penitentiary having convened and resolved that the interest of the State requires the removal of that institution from its present to some more suitable locality on or near the Georgia or Western & Atlantic Railroad, respectfully ask the adoption of the following joint resolution:

*Resolved*, That a Joint Committee consisting of five, two from the Senate and three from the House, be appointed by the President of the Senate and Speaker of the House, whose duty it shall be to visit the various localities on or near said Georgia and Western and Atlantic Railroads deemed suitable for the location of said Penitentiary, and report the result of their investigations at the earliest practicable period to the General Assembly.

And that said committee be allowed the use of a clerk, provided said clerk can be furnished by the Secretary of the Senate or clerk of the House.

Mr. Griffin of Twiggs, introduced a bill to be entitled an act for the relief of the heirs and representatives of Luke Padgett, which was read the first time.

Mr. Harris of Worth, introduced a bill to be entitled an act to alter and amend an act supplementary to act entitled an act to regulate the granting of certioraris and injunctions in this State, passed 29th Dec., 1838, so far as relates to the time allowed for applying for writs of certiorari, which was read the first time.

Mr. Bloodworth of Pike, introduced a bill to be entitled an act to authorize the Ordinaries of this State to issue fi. fas. for their fees, and to point out the mode of collecting the same, which was read the first time.

Mr. Gibson introduced a bill to be entitled an act to encourage improvements and development of our unimproved lands, and to protect innocent bona fide purchasers of the same, and for other purposes, which was read the first time.

Mr. Bush introduced a bill to be entitled an act to authorize Moses F. Kirkland and Andrew J. Williams, one arm men of the county of Miller, to peddle without license, which was read the first time.

Mr. Mallard introduced a bill to be entitled an act to repeal an act entitled an act to point out the manner of creating certain corporations, to define their rights and privileges and to provide a mode of changing the names of individuals, assented to Dec. 28, 1843. And also to repeal an act entitled an

act to extend the provisions of the act passed on the 28th day of December, 1843, entitled an act to point out the manner of creating certain corporations to define their rights and privileges, and to provide a mode of changing the names of individuals, approved December 29, 1845, which was read the first time.

Mr. Mounger introduced a bill to be entitled an act to amend the act in relation to taking cases to the Supreme Court, which was read the first time.

Mr. Overstreet introduced a bill to be entitled an act to compensate the grand and petit jurors in the county of Emmanuel, and to provide for the payment of the same, which was read the first time.

Mr. Price introduced a bill to be entitled an act to authorize and require the Justices of the Inferior Court of the county of Cass to levy an extra tax upon the State tax of said county, for the purpose of paying the jury fees of said county, which was read the first time.

Mr. Shropshire introduced a bill to be entitled an act to prohibit the sale of intoxicating liquors to minors, and to punish all offenders against the same, which was read the first time.

Mr. Slaughter introduced a bill to be entitled an act to provide for the more speedy and effectual rendition of fugitives from justice who shall be found within this State charged with offences committed in any other State or Territory, which was read the first time.

And on motion of Mr. Ward of Butts, 150 copies of the same were ordered to be printed for the use of the Senate.

Mr. Spalding introduced a bill to be entitled an act for the relief of the commissioners of the Altamaha river, which was read the first time.

Mr. Stokes introduced a bill to be entitled an act to compensate the petit jurors in the county of Heard, and to provide for the payment of the same, which was read the first time.

Mr. Billups introduced a bill to be entitled an act to regulate the measure of damages in suits by purchasers against vendors of slaves upon breach of warranty, which was read the first time.

Mr. Cooper introduced a bill to be entitled an act to authorize Hiram S. Creech, of the county of Scriven, to practice medicine and to charge for the same, which was read the first time.

Mr. Tucker introduced a bill to be entitled an act to add certain lots of land in Lee county to the county of Terrell, which was read the first time.

Mr. Ward of Butts introduced a bill to be entitled an act to make void the contracts of minors with the exceptions therein stated, which was read the first time.

Also, a bill to be entitled an act to alter and amend the third section of the third article of the Constitution, which was read the first time.

Also, a bill to be entitled an act to provide for making a return of the militia of this State, to suspend militia musters in time of peace, and to provide for a resumption of the same in time of war, and for the election of officers at the first election of the grade of Colonel down, not to affect volunteer companies, and to apply the military fund to the payment of clerks and receivers for making out the lists of the militia, which was read the first time.

Mr. Gibson introduced a bill to be entitled an act in relation to removal of trustees, &c., which was read the first time.

Mr. Webb introduced a bill to be entitled an act to provide for the making of Sheriff's titles to property in certain cases, and for other purposes, which was read the first time.

Mr. Warthen introduced a bill to be entitled an act to repeal all laws exempting from taxation stock owned by the State in any banking company, which was read the first time.

Mr. Young of Irwin introduced a bill to be entitled an act to change the line between the counties of Wilcox and Irwin, which was read the first time.

Mr. Carlton introduced a bill to be entitled an act to compensate teachers of night schools for the instruction of poor children connected with manufacturing institutions within the State of Georgia, which was read the first time.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to lay out and organize a new county from the counties of Stewart and Randolph, and for other purposes.

The report was agreed to, the bill was read the third time, and upon the question, shall this bill now pass? Mr. Dawson required the yeas and nays, which being recorded, were yeas 57, nays 31.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Gresham,	Shropshire,
Adams of Rabun,	Griffin of Calhoun,	Slaughter,
Akins,	Guerry,	Spalding,
Arnett,	Hammond,	Stowers,
Bloodworth of Car-	Harris of Worth,	Strickland,
roll,	Hixon,	Stripling,
Bloodworth of Pike,	Jamison,	Tate,
Bozeman,	Jarrard,	Treadwell,
Browning,	Johnson of Fayette,	Tucker,
Bryan,	Johnson of Paulding,	Turner,
Bush,	Knox,	Ward,
Castleberry,	McDonald,	Webb,
Collier,	McDuffie,	West,

Edmondson,	Overstreet,	Wilcher,
Fain,	Price,	Williams of Terrell,
Field,	Quillian,	Williams of White,
Gholston,	Roberts,	Young of Irwin,
Gibson,	Robinson of Laurens	Young of Union,
Graham,	Westbrooks,	
Mounger,	Whitaker,	

Those who voted in the negative are Messrs :

Arnold,	Drake,	Reynolds,
Banks,	Fambro,	Robinson of Talbot
Bartlett,	Felton,	Riley of Taylor,
Bennett,	Gordon,	Smith of Hancock,
Billups,	Hart,	Smith of Jefferson,
Carlton,	Harris, of Walton,	Sutton,
Cooper,	Hays,	Thomas,
Cone,	Hill, of Harris,	Walker,
Dawson,	Marshall,	Wilcoxson,
Darden,	McRea,	
Donaldson,	Pope,	

So the bill was passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate a volunteer corps of infantry in the town of Fort Valley, Houston county, and to confer certain privileges upon the same.

Mr. Slaughter moved to amend the report by filling up the blank in the fifth section of said bill with the word "Eighth," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Billups the rules were suspended, and the Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to make legal and valid all acts done and performed by George H. Harris, of the State of Mississippi, as executor of the last will and testament of Jephtha V. Harris, late of Cobb county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

Mr. Tucker, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary having considered the following bills, which were referred to said Committee, ask leave to make the following report:

They recommend the passage of a bill to be entitled an act to amend an act pointing out the mode of collecting a certain description of debts therein mentioned, and to extend the provisions of the same.

Also, a bill to be entitled an act to repeal a part of the sixth



section of the act of March 4th, 1854, in relation to attachments, and for other purposes.

The following bills they report with amendments, and upon the adoption of the proposed amendments, they recommend the passage of the bills:

A bill to be entitled an act to alter and amend the fourteenth division of the penal code of this State.

The Committee propose to amend by striking out the word "death," and inserting the words "by confinement and labor in the penitentiary for any time not less than four years nor longer than twenty years."

Also, a bill to be entitled an act to alter and amend the second section of the sixth division of the penal code of this State.

The Committee propose to amend by striking out the word "death," and by inserting the words "by imprisonment and labor in the penitentiary for any time not less than four years nor longer than twenty years."

JOHN A. TUCKER, Chairman.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to change the lines between the counties of Macon and Sumter, so as to add M. R. Smith of the county of Sumter, to the county of Macon.

The report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives, by Mr. Shropshire, their Clerk:

*Mr. President:*—The House has concurred in the amendment of the Senate to the bill to be entitled an act to confer certain powers upon persons therein named, and authorize a settlement between them, &c.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to alter and amend an act approved December 11th, 1819, and to increase the salaries of the Attorney and Solicitors General of this State.

Mr. Tucker moved to amend the report by striking out of the first section of said bill, the words "First day of February, 1859," and inserting in lieu thereof, the words "passage of this act," which was agreed to.

Mr. Bloodworth of Carroll moved further to amend the report by striking out of the first section of said bill, the words "which sums shall be paid to said officers quarterly out of any moneys which may be in the treasury not otherwise specially appropriated," which was agreed to.

Mr. Thomas moved to lay the report as amended on the table for the balance of the session.

Upon which motion Mr. Jarrard demanded the previous question.

And on seconding the call for the previous question, the yeas and nays were required to be recorded, and were, yeas 37, nays 55.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Fain,	Staten,
Aikens,	Fields,	Stokes,
Ashley,	Gresham.	Stowers,
Bloodworth of Car-	Harris of Walton,	Stripling,
roll,	Hixon,	Sutton,
Bloodworth of Pike,	Holcombe,	Tate,
Brown,	Jamison,	Thomas,
Browning,	Jarrard,	Treadwell,
Bryan,	Johnson of Spauld-	Turner.
Collier,	ing,	Walker,
Cone,	Marshall,	West,
Donaldson,	McRca,	Wilcher,
Drake,	Smith of Jefferson,	Williams of Berrien,

Those who voted in the negative are Messrs :

Adams of Elbert,	Griffin or Calhoun,	Robinson, of Talbot,
Arnett,	Guerry,	Robinson, of Laur-
Banks,	Hart,	ens,
Bartlett,	Harris of Worth,	Riley of Taylor,
Bennett,	Hays,	Shropshire,
Bozeman,	Hill of Harris,	Slaughter,
Briscoe,	Johnson of Fayette,	Spaulding,
Bush,	Knox,	Smith of Hancock,
Carlton,	Mattox,	Tucker,
Cooper,	Mallard,	Ward,
Crowder,	McDonald,	Warthen,
Dawson,	McDuffie,	Webb.
Darden,	Mounger,	Westbrooks,
Fambro,	Overstreet,	Whitaker,
Felton,	Paine,	Wilcoxson,
Gholston,	Pope,	Williams of White,
Gibson,	Price,	Young of Irwin,
Gordon,	Quillian,	Young of Union,
Graham,	Reynolds,	

So the call for the previous question was not seconded.

Pending the motion to lay the report on the table for the balance of the session,

Mr. Harris of Worth, moved that the report as amended be laid on the table for the present.

Upon which motion Mr. Williams of Terrell, raised a point of order.

And the Hon. E. B. Arnold being in the chair, decided

that the motion to lay on the table for the present was in order.

The motion was then put and agreed to.

Mr. Harris, from the committee on New Counties and County Lines, made the following report:

The committee on New Counties and County Lines have had under consideration

A bill proposing to add lots of land numbers 219, 254, and 256 in the 4th district of Irwin to the county of Wilcox, and recommend the passage of the bill. •

Also a bill to be entitled an act to change the line between the counties of Pearce and Ware, and recommend the passage of the bill.

Also a bill to be entitled an act to change the line between the counties of Wayne and Glynn,

And recommend the passage of the bill.

Also a bill to be entitled an act to change the line between the counties of Stewart and Chattahoochee, and report the bill back and recommend its passage.

Also a bill to be entitled an act to change the line between the counties of Forsyth and Milton.

And report the bill back to the Senate without an expression of opinion by the committee.

W. A. HARRIS, Chairman.

The President pro tempore of the Senate announced the reception of a communication addressed to the General Assembly of the State of Georgia from a portion of the citizens of the county of Paulding, which was read.

Mr. Strickland offered the following resolution:

*Resolved*, By the Senate and House of Representatives of Georgia in General Assembly met, that our Senators and Representatives in Congress be and they are hereby requested to use their best efforts and influence to have the road leading from Atlanta via Roswell, Alphosetta, Cumming, on to Dahlonega, established as a post road, and request the P. M. General to establish a daily four horse coach on it immediately. And that the Governor be and is hereby requested to forward copies of this resolution to our Senators and Representatives forthwith.

And on motion of Mr. Strickland the rules were suspended and the same was taken up, read, and agreed to.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to change the line between the counties of Spaulding and Butts.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to confer certain rights and pow-

ers on the Justices of the Inferior Court of the county of Lincoln in relation to granting licenses to retail liquors, and to keep tippling houses.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Fort Valley Railroad Company, and to punish persons for violating the same.

Mr. Cone moved that the same be referred to the committee on Internal Improvements, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the act to change and simplify the practice and pleading in this State, approved Feb. 20th, 1854.

Mr. Gibson moved to amend the report by adding the following proviso to the first section of said bill, to wit:

~~Provided no~~ amendment shall be allowed after the same is submitted to the jury, which was lost.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the time of holding the Superior Courts of the county of Clinch.

The report was agreed to. The bill was read the third time and passed.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to allow the Justices of the Inferior Court of Dade county to levy and collect a poor tax for said county, not to exceed twenty per cent. on the general tax.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to allow the Willes Valley Railroad Company the privilege of issuing and using an order for the purpose of facilitating the building of said Road or accommodating the stockholders of the Company.

Mr. Ward of Butts moved that the report be referred to the committee on the Judiciary.

Upon agreeing to which motion Mr. Slaughter required

the yeas and nays, which being recorded, were yeas 40, nays 52.

Those who voted in the affirmative were Messrs:

Adams of Rabun,	Gordon,	Quillian,
Arnett,	Graham,	Robinson of Lau-
Bennett,	Griffin of Calhoun,	rens,
Bloodworth of Pike,	Guerry,	Robinson of Talbot,
Bozeman,	Harris of Walton,	Riley of Taylor,
Briscoe,	Hixon,	Shropshire,
Browning,	Johnson of Fayette,	Stowers,
Bush,	Johnson of Pauld-	Strickland,
Castleberry,	ing,	Stripling,
Collier,	Lockheart,	Sutton,
Dawson,	McDuffie,	Turner,
Darden,	McGuire,	Ward,
Drake,	McRea,	Whitaker,
Elton,	Pope,	Young of Union.

Those who voted in the negative were Messrs:

Adams of Elbert,	Gresham,	Slaughter,
Arnold,	Hart,	Spalding,
Ashley,	Harris of Worth,	Smith of Hancock,
Banks,	Hays,	Smith of Jefferson.
Bloodworth of Car-	Hill of Harris,	Tate,
roll,	Hill of Sumter,	Thomas,
Bryan,	Holcombe,	Treadwell,
Carlton,	Jamison,	Tucker,
Colquitt,	Jarrard,	Walker,
Cone,	Knox,	Warthen,
Crowder,	Mattox,	Webb,
Donaldson,	Mallard,	Westbrooks,
Edmondson,	McDonald,	Wilcher,
Fain,	Mounger,	Wilcoxon,
Fambro,	Overstreet,	Williams of Berrien,
Fields,	Paine,	Williams of White,
Gholston,	Reynolds,	Young of Union.
Gibson,	Roberts,	.

So the motion to refer the report to the committee on the Judiciary was lost.

Mr. Tucker moved that the report be referred to the committee on Internal Improvement, which was agreed to.

On motion, leave of absence was granted to Messrs. Bilups and Hill of Sumpter, for a few days.

On motion, the Senate then adjourned until 10 o'clock on Monday next.

MONDAY, NOVEMBER 15th, 1858.

TEN O'CLOCK, A. M.

The Senate met according to adjournment.

Hon. John E. Ward President in the chair.

Mr. Gibson moved to reconsider so much of the Journal of Saturday as relates to a bill to be entitled an act to amend an act to change and simplify the proceedings and pleading in this State, approved February 20th, 1854, which was lost.

The Senate took up the special order of the day, which was the report of the committee of the whole, on the bill to be entitled an act to declare the true intent and meaning of an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801. And an act supplementary to and more effectually to enforce any act, prescribing the mode of manumitting slaves in this State, approved December 19th, 1818 which on motion was laid on table for the present.

Mr. Briscoe from the committee on enrollment, reported as duly enrolled and signed by the Speaker of the House and ready for the signature of President of the Senate,

A resolution requesting our Senators and Representatives in Congress to secure if possible the establishing of certain mail lines therein mentioned.

Also an act to confer certain powers upon persons therein named and authorize a settlement between them.

Mr. Harris of Worth, introduced a bill to be entitled an act, to more properly define the Eastern line of Worth county, and for other purposes,

Which was read the first time.

Mr. Paine from the committee on enrollment, reported as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate.

An act to authorize the Court of Ordinary of Gordon county to pass an order in vacation authorizing the sale of the lands and negroes belonging to the estate of James C. Longstreet, deceased, late of said county &c.

On motion of Mr. Harris of Worth, the following resolution was taken up, to-wit:

*Resolved*, That on Monday the 15th instant, and from and after that day the Senate shall meet at 9 o'clock A. M. and at 3 o'clock P. M. and that said times of meeting shall only be changed by a vote of two-thirds of the Senate.

Mr. Bloodworth of Carroll offered the following as a substitute, which was read and agreed, to-wit:

*Resolved*, That the Senate will meet at half past nine o'clock A. M. and 3 o'clock P. M. and adjourn at 1 and 5

6 o'clock P. M. unless the business before the Senate is disposed of at an earlier hour.

The following message was received from the House of Representatives by Mr. Shropshire their Clerk.

Mr. President, the House of Representatives has passed the following bills, to-wit: .

A bill to be entitled an act to authorize guardians to act as administrators in certain cases.

A bill to be entitled an act for the relief of Wm. M. Reese administrator of Toliver Jones, deceased.

A bill to be entitled an act for the support of the pupils of the Georgia Academy for the Blind.

A bill to be entitled an act to change the time of holding the Inferior Court of Ware county.

A bill to be entitled an act for the relief John M. Wilhite of the county of Jackson.

A bill to be entitled an act to remove and prevent obstruction in and keep open one-third of the main channel of the Chattahoochee river from the line of Florida to the mouth of the Chestatee river.

A bill to be entitled an act to compel Judges of the Superior Court of each Circuit in the State to hold adjourned terms in every county within their circuits, when the business requires, until the docket is cleared, and for other purposes.

A bill to be entitled an act to consolidate the offices of the Clerks of the Superior and Inferior Courts of the county of Glasscock.

A bill to be entitled an act to legalize the proceedings of the Superior Court of Taliaferro county.

A bill to be entitled an act to alter and amend the 3d section of an act to alter and amend the road laws of this State, approved December 19th, 1818, in relation to warning hands by the overseers and to authorize the overseers to warn one day before the working of the roads.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Pickens county to levy and collect an extra tax for the purpose of paying the county debt created by building the Court House in said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to repeal an act entitled an act to compensate the Grand and Petit Jurors of the county of Pickens, and to authorize the Justices of the Inferior Court to levy an extra tax for that purpose and to extend the provisions of this act to other counties therein named, approved March 6 h, 1856, so far as respects pickens county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act, to incorporate the Presbyterian Church at Friendship in the county of Pike, and to appoint trustees for the same.

Mr. Bloodworth of Pike, offered the following as an additional section, which was read and adopted.

And be it further enacted by the authority aforesaid that the property of said Church at Friendship, shall be exempted from the payment of State or county taxes, the report amended was agreed to.

The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to incorporate the Gwinnett Manufacturing Company, of the counties of Gwinnett, and to define the rights, privileges and liabilities thereof.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to alter, change, and amend the second section of an act to incorporate and confer certain privileges upon the Sandersville Hotel Company, the Pioneer Hook and Ladder Company, and the Church Asylum of Augusta, approved March 5th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to repeal an act, approved February 15th, 1854, in relation to Constables fees, so far as relates to Warren county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to change the line between the counties of Stewart and Chattahoochee, so as to add lots numbers 109, 110, 115 and 116, in the 32d district originally Lee now Stewart county, in the county of Chattahoochee.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to exempt contractors, their hands and employees on the Atlantic and Gulf Railroad, from com-



non road duty in the several counties on the line of said railroad.

Mr. Bartlett moved to amend the report by adding the following proviso, to-wit:

Provided, that all hands and contractors engaged on said roads, shall pay to the commissioners of roads in the several districts wherein they are liable to do such work, one dollar per day, to be appropriated by said road commissioners to the hiring of hands to work said roads, which was agreed to.

The report as amended was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the Committee of the Whole, a bill to be entitled an act to require the fees of the Clerk of the Superior Court of the county of Worth for the recording of deeds or other conveyances to be paid in advance, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, a bill to be entitled an act to compel owners of land lying and being in the county of Irwin, to return a list of them to the Clerk of Superior Court of said county.

The report was agreed to, the bill was read the third time, and on motion of Mr. Banks, laid on the table for the balance of the session.

The Senate took up as the report of the Committee of the Whole, a bill to be entitled an act to legalize and make valid the Sheriff's bond of the county of Glascock.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, a bill to be entitled an act to raise the bonds of Constables from five hundred to one thousand dollars.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the Committee of the Whole, a bill to be entitled an act to incorporate the town of Hawkinsville, in the county of Pulaski, and to provide for the election of commissioners for the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, a bill to be entitled an act to change the lines between the counties of Wayne and Glynn, so as to include the residence of James Shufford in the county of Wayne.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, a bill to be entitled an act to change the line between the counties of Pearce and Ware.

The report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk:

*Mr. President*.—The House has passed the following bills: to-wit:

A bill to be entitled an act to lay off and organize a new county out of the counties of Washington, Emmanuel and Laurens, to be called Johnson county; to attach the same to the Middle Judicial District, to the First Congressional District, and to the Second Brigade and First Division of Georgia Militia, and for other purposes.

A bill to be entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards, in Newnan, Coweta county, and for other purposes therein mentioned.

The Senate took up as the report of the Committee of the Whole, a bill to be entitled an act to add a part of the county of Forsyth to the county of Milton.

The report was agreed to, Mr. Strickland moved to lay the bill on the table for the balance of the session, upon which motion the yeas and nays were required to be recorded, and are yeas 53, nays 21.

Those who voted in the affirmative are Messrs:

Adams of Elbert,	Fambro,	Reid,
Akins,	Gibson,	Reynolds,
Arnold,	Graham,	Roberts,
Ashley,	Gresham,	Robinson of Laurens
Banks,	Hart,	Robinson of Talbot,
Bartlett,	Harris of Walton,	Riley of Lumpkin,
Bloodworth of Carroll,	Harris of Worth,	Riley, of Taylor,
Bloodworth of Pike,	Hill of Harris,	Smith of Hancock,
Brown,	Hill of Sumter,	Strickland,
Bryan,	Holcombe,	Sutton,
Bush,	Knox,	Tate,
Carlton,	Mattox,	Thomas,
Castleberry,	Marshall,	Tucker,
Cochran,	McRea,	Walker,
Collier,	Morell,	Westbrooks
Cooper,	Mounger,	Wilcher,
Crowder,	Overstreet,	Wilcoxson,
Donaldson,	Price,	Young of Union,

Those who voted in the negative are Messrs:

Adams of Rabun,	Hixon,	Stripling,
Browning,	Jarrard,	Treadwell,
Fain,	Johnson of Fayette,	Turner,
Fields,	McDonald,	Ward,
Gholston,	McDutlie,	Williams of Berrien

Griffin of Calhoun, Staten,  
Hammond, Stowers,

Williams of White,  
Young of Irwin,

So the motion to lay on the table for the balance of the session prevailed.

The Judiciary Committee, to whom was referred the memorial of Howell Cobb, Esq., relative to the publication of a revised edition of his Analysis and Forms have had the same under consideration, and ask leave to report,

That in 1846 the first edition of this work was published; at that time the State subscribed for two thousand copies; these copies were soon distributed, and such others as could be procured by the State were also bought up and also distributed; now there are no copies owned by the State, nor are there any for sale any where, the edition being exhausted. The calls through the Legislature upon the Governor for this work have been so numerous and continued that his Excellency, at the last session, made a special communication on the subject showing that he was unable to meet the requirement; having no copies on hand and being unable to procure them elsewhere, the people having used this book for so long a time are familiar with it, hence the demand. The committee have examined so much of the manuscript of the proposed work as to be perfectly satisfied of its usefulness and adaptation to the wants of the people and the public officers, are fully met. The work is arranged with great simplicity and is designed to be a Book of Law and a Book of Forms. The subject is thrown into chapters, in which are to be found all the Statutes and the Forms required by the statute on the particular subjects of the law. Marginal and explanatory notes occur throughout the work, which from the best information the committee have been enabled to procure, will be at least one fourth larger than the former edition, because of the increased amount of legislation. Believing that the proposed work is worthy of the patronage of the State, the committee submit the following resolutions:

*Be it resolved by the Senate and House of Representatives of the State of Georgia,* That his Excellency the Governor be and he is hereby requested at his earliest convenience, to furnish Howell Cobb, Esquire, of Houston county, with such acts of the present session as fall within the design of his compilation.

2d. *Resolved,* That as soon as said Howell Cobb, Esq., shall inform his Excellency the Governor that he is prepared to submit the arrangement of the acts of the present session of the Legislature, together with forms required, that his Excellency the Governor appoint three gentlemen, learned in the law, to examine the entire work, and if said gentlemen report to his Excellency the correctness and faithful execution of said work, he is hereby authorized and requested to sub-

scribe for such a number of copies of said work as he shall think necessary.

Provided, said Howell Cobb, Esq., shall not be allowed more than five dollars per copy for said work when neatly and substantially bound and delivered.

3d. *Resolved*, That as soon as said Howell Cobb, Esq., shall be ready to proceed to the publication of said work, that his Excellency the Governor be, and he is requested to draw his warrant upon the Treasurer in favor of said Howell Cobb, Esq., for the sum of three thousand dollars, and that the same be provided for in the appropriation bill; Provided, said Howell Cobb, Esq., shall previously deposit with his Excellency his bond, with good and ample security, in the sum of six thousand dollars, conditioned to deliver said books at the earliest practicable day.

JOHN A. TUCKER, Chairman.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act amendatory of an act to authorize the issuing of attachments and garnishments, and to regulate proceedings in relation to the same, and for other purposes therein mentioned, approved March 4, 1856, so as to make the shares of interest of stockholders in any corporation in this State, subject to attachment and sale, and for other purposes herein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to limit the lieu of judgments in this State upon property in the hands of third parties, who are bona fide purchasers without notice.

Mr. Bartlett moved to strike out "twelve months and insert in lieu thereof "two years," which motion was lost.

Mr. Bloodworth of Carroll offered the following proviso which was agreed to, to wit:

The provisions of this bill shall not apply to any debt contracted previous to its passage.

The report as amended was agreed to. The bill was read the third time, and upon the question, shall this bill now pass, the yeas and nays were required to be recorded. And are yeas 18, nays 62.

Those who voted in the affirmative were Messrs:

Bush,	Jamison,	Stowers,
Collier,	McDuffie,	Sutton,
Edmondson,	Price,	Treadwell,
Felton,	Roberts,	Tucker,
Fields,	Riley, of Lumpkin	Williams of Berrien,
Griffin of Calhoun,	Slaughter,	Young of Union.

Those who voted in the negative were Messrs:

Adams of Elbert,	Graham,	Robinson of Lau-
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Adams of Rabun,	Gresham,	rens,
Aikins,	Griffin of Twiggs,	Robinson of Talbot,
Arnold,	Hart,	Riley of Taylor,
Banks,	Harris of Walton,	Shropshire,
Bartlett,	Hays,	Smith of Hancock,
Bennett,	Hill of Harris,	Smith of Jefferson,
Bloodworth of Car-	Hixon,	Strickland,
roll,	Jarrard,	Stripling,
Bloodworth of Pike,	Johnson of Fayette,	Tate,
Browning,	Johnson of Pauld-	Thomas,
Bryan,	ing,	Tison,
Bullard,	Knox,	Turner,
Carlton,	Mattox,	Walker,
Cooper,	McDonald,	Ward,
Crowder,	McGuire,	Warthen,
Darden,	McRea,	West,
Donaldson,	Mounger,	Westbrooks,
Drake,	Overstreet,	Wilcher,
Fambro,	Pope,	Young, of Irwin,
Gholston, .	Reid,	
Gibson,	Reynolds,	

So the bill was lost

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the better regulation of the practice in carrying cases to the Supreme Court, and for other purposes therein named.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal the usury laws of this State where the rates of interest are agreed upon by the parties and expressed in the face of the promise to pay, &c.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate judgments at law and for other purposes therein specified.

Which, on motion of Mr. Slaughter, was referred to the committee on the Judiciary.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act entitled an act to incorporate the city of Americus.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the time of holding the Inferior Courts of the county of Cherokee.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal an act entitled an act to authorize the Justices of the Inferior Court of the several counties in this State to create and lay out any new districts or change and alter the lines of those already laid out, assented to 23d December, 1839. So far as relates to the county of Cherokee, assented to Dec. 22d, 1840, and to legalize all districts made and lines changed by the Inferior Court of Cherokee county since the passage of said act, and to legalize the act done by the officers in said district.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the town of Waresboro, and provide for the government of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to add Nos. 219, 254 and 256 in the 4th district of Irwin to the county of Wilcox.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act entitled an act to regulate the rates of tavern license in this State, approved Dec. 15th, 1809, so far as the same relates to the county of Wilcox.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act amendatory of an act to incorporate a Railroad company to be called the Atlantic and Gulf Railroad company, and for other purposes therein named, approved Feb. 27th, 1856.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the act to exempt from sale for debts contracted after a given time, certain articles for the subsistence of debtor's family, approved Decem-

ber 23d, 1822, and the several acts amendatory thereof. Which on motion was referred to the committee on the Judiciary.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the West Point and Columbus Magnetic Telegraph company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of Wm. S. Ruckley, and to relieve him from certain disabilities.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend an act in relation to the poor school system, so far as relates to Lumpkin county, and for other purposes.

Mr. Riley of Lumpkin offered the following additional section:

And be it further enacted that the said act shall be further amended so that from and after the passage of this act it shall be the duty of the tax receiver of said county of Lumpkin for the year 1859 and of all subsequent tax receivers to make returns of the poor children as now required by the general law, instead of the Justices of the Peace of said county of Lumpkin, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the times of holding the Superior Courts of the counties of Baker and Mitchell.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act pointing out the mode of collecting certain description of debts therein mentioned, and to extend the provisions of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal a part of the sixth section of the act of March 4th, 1851, in relation to attachments, and for other purposes, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to compensate the jurors of Jefferson county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, a bill to be entitled an act to alter the eleventh section of the Constitution of this State, which on motion of Mr. Slaughter, was made the special order for Saturday.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to alter and amend the 3d section of the 1st article of the Constitution of the State of Georgia.

The committee on the Judiciary having reported against the passage of the bill, Mr. Bloodworth of Carroll, moved to disagree to the report of the committee, and on which motion, the yeas and nays were required to be recorded, and were yeas 43, nays 44.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Harris of Walton,	Riley of Lumpkin,
Adams of Rabun,	Hays,	Riley of Taylor,
Bennett,	Jamison,	Staten,
Bloodworth of Carroll,	Jarrard,	Stowers,
Bloodworth of Pike,	Johnson of Paulding,	Stripling,
Bozeman,	Knox,	Sutton,
Bryan,	Mattox,	Tison,
Bush,	Mallard,	Turner,
Collier,	McDonald,	Ward,
Donaldson,	McRea,	Westbrooks,
Fain,	Mounger,	Williams of Berrien,
Felton,	Price,	Williams of White,
Fields,	Robison of Laurens,	Young of Irwin,
Gibson,	Robinson of Talbot,	Young of Union.
Graham,		

Those who voted in the negative are Messrs.

Akins,	Fambro,	Pope,
Arnold,	Gholston,	Reid,
Banks,	Gresham,	Reynolds,
Bartlett,	Griffin of Calhoun,	Roberts,
Briscoe,	Griffin of Twiggs,	Shropshire,
Brown,	Guerrey,	Slaughter,
Browning,	Hart,	Smith of Hancock,
Bullard,	Harris of Worth,	Smith of Jefferson,
Carlton,	Hill of Harris,	Strickland,



Castleberry,	Hill, of Sumter,	Tate,
Cooper,	Hixon,	Thomas,
Cone,	Johnson of Fayette,	Treadwell,
Crowder,	Marshall,	Tucker,
Darden,	McDuffie,	West,
Drake,	McGuire,	

So the motion was lost.

The motion then recurring on agreeing to the report of the committee on the Judiciary, which motion was put and agreed.

Mr. Frambo from the committee on amendments to the Constitution, begs leave to report, that they have had under consideration, a bill to amend the 11th section of the Constitution of this State, which they report back to the Senate with an amendment, upon agreeing to which, they recommend its passage.

Also, two bills entitled acts to alter the 3d section of the 1st article of the Constitution, which they report back, and recommend do not pass. A. G. FAMBRO, Ch'n.

Leave of absence was granted to Mr. Mallard, after Wednesday next, for a few days, on special business.

On motion of Mr. Fields, Mr. Strickland was added to the committee on the military.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to alter and amend the 14th section of the 5th division of the Penal Code of this State.

The amendments proposed by the Judiciary committee were agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Riley of Lumpkin, the rules were suspended, and the Senate took up as the report of the committee of the whole, a bill to be entitled an act to incorporate the town of Dahlonega, in the county of Lumpkin, and provide for the election of commissioners for the same, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to alter and amend the 2d section of 7th division of the Penal Code of this State.

The amendment proposed by the Judiciary committee was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to amend the Judiciary act of 1799, so far as relates to the foreclosure of mortgages

on personal property, when the amount so claimed does not exceed the jurisdiction of a Justices Court.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act for the relief of Loved Bryan of Stewart county, &c.

The report was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President then adjourned the Senate until 3 o'clock, P. M.

#### AFTERNOON SESSION.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to incorporate the Washington Rifles, and to grant certain privileges to them.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to repeal an act, passed March 1st, 1856, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act, to amend an act entitled an act to incorporate the Grand Lodge Knights of Jericho, of the State of Georgia, and for other purposes therein named, so far as to change the motto mentioned in said act.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act, to declare the true intent and meaning of an act entitled an act, to authorize the Justices of the Inferior Court of the county of Gwinnett, to levy an extra tax, to pay for the erection of a new Court House in said county, approved March 1st, 1856, and to amend the caption of said act, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to appropriate money for the

payment of such Judges of the Superior and Supreme Courts as hold commissions bearing date subsequent to the passage of the act at the last session of the General Assembly raising the salaries of those officers, and for the payment of certain sums herein named to R. K. Hines and Wm. M. Reese.

The report was agreed to. The bill was read the third time and passed.

Mr. Warthen was added to the Committee on the Judiciary

The following bills were taken up, severally read the second time, and referred to the Committee of the Whole:

A bill to be entitled an act to authorize the Judge of the Superior Court of the Cherokee Circuit to appoint a Master of Equity in each of the counties of said circuit, and to authorize the Judge to submit to such master, all matters of account, calculation, &c., and to define the duties of such Master in Equity, and to compensate for the same.

Also, a bill to be entitled an act to add the county of Wilcox to the Second Congressional District.

Also, a bill to be entitled an act to authorize James Boyd, late Tax Collector of Telfair county, to make titles to certain lands sold by him, by virtue of fi. fas. issued by him as Tax Collector aforesaid.

Also, a bill to be entitled an act to alter and amend an act to change the lines between the counties of Cobb and Paulding, so as to include the lot whereon John W. Miller, now lives in Cobb county, assented to December 22d, 1857.

Also a bill to be entitled an act to authorize attorneys at law to control executions, and for other purposes.

Also, a bill to be entitled an act to give to rules absolute against officers in this State, a lien upon property, and to give officers control of executions in certain cases.

Also, a bill to be entitled an act for the relief of the securities of George Wing, former Tax Collector of the county of McIntosh.

Also, a bill to be entitled an act to extend the corporate limits of the town of Hartwell, in Hart county.

Also, a bill to be entitled an act to provide for the protection of forest trees and other timber in the county of Whitfield, and to punish certain offences in violation thereof.

Also, a bill to be entitled an act to authorize Robert Adams, of Crawford county, to peddle in said county without a license to do so.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Harralson county to levy an extra tax for the purpose of extinguishing the debt of the county, and for other purposes.

Also, a bill to be entitled an act to authorize the Inferior Courts to appoint commissioners to run and mark disputed county lines, &c.

Also, a bill to be entitled an act to regulate the order in

which criminal cases shall be called and disposed of in the Superior Courts of this State, and for other purposes.

Also, a bill to be entitled an act to repeal the 19th section of an act to incorporate a bank in the city of Atlanta, to be called the Bank of Fulton, and for other purposes therein named.

Also, a bill to be entitled an act to change the county line of Worth, so as to add No. 21 in the sixth district of said county to the county of Irwin.

Also a bill to be entitled an act for the relief of Luke Padgett, his heirs and representatives.

Also, a bill to be entitled an act to change the times of holding the Inferior Courts of the county of Baldwin.

Also, a bill to be entitled an act to add certain lots of land in Lee county to the county of Terrell.

Also, a bill to be entitled an act to make void the contracts of minors, with the exceptions therein stated.

Also, a bill to be entitled an act in relation to removal of trustees, &c.

Also, a bill to be entitled an act to provide for making Sheriff's titles in certain cases, and for other purposes.

Also, a bill to be entitled an act exempting from taxation, stock owned by the State in any banking company.

Also, a bill to be entitled an act to change lines of Wilcox and Irwin.

Also, a bill to be entitled an act to compensate the teachers of night schools, for the instruction of poor children connected with the manufacturing institutions within the State of Georgia.

Also, a bill to be entitled an act to amend the acts in relation to taking cases to the Supreme Court.

A bill to be entitled an act to change the line between the counties of Elbert and Hart, so as to include one hundred and seven acres of land, and the residence thereon of Allen S. Turner, now in the county of Elbert, and add the same to the county of Hart.

Also, a bill to be entitled an act to require the Sheriffs in this State to make return to the Clerks, of all writs of *fiere facias* placed in their hands for execution, and to more clearly prescribe the Clerk's duty in such cases, and for other purposes.

Also, a bill to be entitled an act to amend the divorce laws of this State.

Also, a bill to be entitled an act for the relief of John B. Griffin, of the county of Muscogee.

Also, a bill to be entitled an act for the relief of Amy Clark, formerly of Baker, now Mitchell county.

Also, a bill to be entitled an act to confer certain privileges upon William A. Barden, of the county of Muscogee, a

minor of the age of twenty years, and son of Nathaniel H Barden, of the county of Harris, and to make lawful his acts, and give him authority to transact business as though he was of full age.

Also, a bill to be entitled an act to amend an act approved 5th March, 1855, entitled an act to alter and amend the 6th section of an act approved 11th February, 1854, entitled an act to incorporate the Dalton and Copper Mine Turnpike Plank and Railroad Company, and to allow the company to build a turnpike and railroad, and to extend the time to three years from the passage of this act, and ten years to complete the same.

Also, a bill to be entitled an act to alter and amend the road laws of this State, so far as relates to the county of Oglethorpe.

Also, a bill to be entitled an act to prescribe a plan for dividing the poor school fund of the county of Baker, at the time of the organization of the county of Mitchell, between the said counties.

Also, a bill to be entitled an act to authorize guardians, administrators and trustees, residing in the county of Richmond, to invest the funds in their hands, as such, in the banks of the city of Augusta, issued by the authority of the city council of Augusta.

Also, a bill to be entitled an act to extend the provisions of the eleventh section of an act approved Feb. 22d, 1850, in relation to compensation of Tax Collectors and Receivers of Chatham county, to the county of Richmond.

Also, a bill to be entitled an act to authorize the executors of the estate of Robert McAfee, late of the county of Gwinnett, in this State, deceased, to sell certain lands of said deceased at private sale, to make titles to the same, and for other purposes.

Also, a bill to be entitled an act to authorize the jailor of Richmond county to demand and collect jail fees in advance for persons confined in said jail for debt.

Also, a bill to be entitled an act to suppress fraudulent titles to lotteried land in this State, and to establish the bona fide titles thereof.

Also, a bill to be entitled an act to alter the certiorari laws of this State.

Also, a bill to alter and amend the ca. sa. laws of this State.

Also, a bill to be entitled an act to amend an act to incorporate Marshall College in the city of Griffin.

Also, a bill to be entitled an act to authorize the Ordinaries of this State to issue fi. fas. for their fees, and to point out the mode of collecting the same.

Also, a bill to authorize Moses F. Kirkland and A. J. Williams, of Miller county, to peddle without license.

Also, a bill to be entitled an act to compensate the grand and petit jurors in the county of Emanuel, and to provide for the payment of the same.

Also, a bill to be entitled an act to prohibit the sale of intoxicating liquors to minors, and to punish all offenders against the same.

Also, a bill to be entitled an act to regulate the measure of damages in suits by purchasers against vendors of slaves, upon breach of warranty of title.

Also, a bill to be entitled an act to authorize and require the Justices of the Inferior Court of the county of Cass to levy an extra tax, &c.

Also, a bill to be entitled an act to compensate the petit jurors of Heard county.

Also, a bill to be entitled an act for relief of commissioners of Altamaha river.

Also, a bill to be entitled an act to repeal an act to point out the manner of creating certain corporations, to define their rights and privileges, and to provide a mode of changing the names of individuals, assented to Dec. 28th, 1843; and also, to repeal the act approved Dec. 29, 1855, to extend the provisions of the act passed Dec. 28, 1843.

Mr. Whitaker presented a memorial on the subject of public schools, prepared by T. R. Cobb, Solomon Cohen, D. E. Butler and Green B. Haygood, for the Legislature, which without being read, was referred to the Committee on Public Education and Free Schools.

The following bill was taken up, read the second time, and referred to the Committee on the Military:

A bill to be entitled an act to provide for making returns of the militia, &c.

The following bill was taken up, read the second time and referred to the Committee on change of the Constitution:

A bill to be entitled an act to alter and amend the 3d section of the third article of the Constitution.

The following bill was taken up, read the second time and referred to the Committee on Physicians:

A bill to be entitled an act to authorize Hiram S. Creech, of the county of Screven, to practice medicine and charge for the same.

On motion leave of absence was granted to Mr. Brown, after Friday next, for a few days on special business.

The following bill was read a second time and referred to the Committee on New Counties:

A bill to be entitled an act to lay out and organize a new county from the counties of Union, Fannin and Gilmer, and for other purposes therein named.

The following bill was read the second time and referred to a special committee of six:

A bill to alter and change the time of holding the Superior and Inferior Courts of the county of Sumter.

The President appointed as said committee, Messrs. Brown of Marion, Shepherd of Webster, Hixon of Schley, Wooten of Lee, Williams of Terrell, Mounger of Dooly, Felton of Macon, and Hill of Sumter.

The following bills which were also read the second time and referred to the Judiciary Committee:

A bill to be entitled an act to authorize the Ordinary of Richmond county to demand and receive certain fees therein mentioned, and for other purposes.

• Also, a bill to be entitled an act to alter and amend the 3d, 4th and 7th sections of the first article of the Constitution of the State of Georgia, so as to reduce the number of members of both branches of the General Assembly, the Senate to consist of forty members, and the House to one from each county.

Also, a bill to be entitled an act to amend an act entitled an act for ascertaining the right of aliens, and pointing out a mode for admission of citizens, approved 7th Feb., 1785.

Also, a bill to be entitled an act to prescribe the mode and manner of foreclosing mortgages upon real estate.

Also, a bill to be entitled an act to encourage improvements and developments of our unimproved lands, and to protect innocent bona fide purchasers of the same, and for other purposes.

Also, a bill to be entitled an act to authorize the issuing of garnishments in this State, in favor of persons who have slave property in any free State which refuses to deliver up said slave or slaves, against persons in this State indebted to any citizen of such disloyal State, and for other purposes.

On motion of Mr. Harris of Worth, the Senate adjourned until 9½ o'clock to-morrow morning.

*TUESDAY, NOVEMBER 16th, 1858.*

NINE AND A HALF O'CLOCK, A. M.

The Senate met pursuant to adjournment.

Mr. Frambro moved to reconsider so much of the journal of yesterday, as relates to a resolution relative to the hour of meeting of the Senate, which was lost.

Mr. Slaughter moved to reconsider so much of the journal of yesterday, as relates to a bill to be entitled an act to exempt contractors, their hands and employees on the Atlantic and Gulf Railroad from common road duty, in the several counties on the line of said Railroad, which was lost.

Mr. Adams moved to reconsider so much of the journal of yesterday, as relates to a bill to be entitled an act to alter and amend an act in relation to the Poor School system, so far as relates to Lumpkin county, and for other purposes, which was agreed to.

Mr. Cone moved to reconsider so much of the journal of yesterday, as relates to a bill to be entitled an act to alter and amend the 3d section of the 1st article of the Constitution of the State of Georgia. Upon which motion, the yeas and nays were required to be recorded, and are yeas 55, nays 50.

Those who voted in the affirmative, are Messrs.

Adams of Elbert,	Gordon,	Robinson of Talbot,
Adams of Rabun,	Graham,	Riley of Lumpkin,
Ashley,	Hammond,	Riley of Taylor,
Bennett,	Harris of Walton,	Spalding,
Bloodworth of Car-	Hays,	Smith of Jefferson.
roll,	Hixon,	Staten,
Bloodworth of Pike	Holcombe,	Stowers,
Bryan,	Jamison,	Stripling,
Bush,	Jarrard,	Sutton,
Castleberry,	Mattox,	Tate,
Collier,	McDonald,	Thomas,
Cooper,	McDuffie,	Tison,
Cone,	McRea,	Turner,
Darden,	Mounger,	Westbrooks,
Donaldson,	Overstreet,	Wilcher,
Felon,	Paine,	Wilcoxson,
Fields,	Price,	Williams of Berrien.
Gholston,	Robinson of Lau-	Young, of Irwin,
Gibson,	rens,	Young of Union,

Those who voted in the negative, are Messrs.

Akins,	Hart,	Reynolds,
Arnold,	Harris of Merri-	Roberts,
Banks,	wether,	Shropshire,
Bartlett,	Harris, of Worth,	Slaughter,
Brown,	Hill of Harris,	Smith of Hancock,
Browning,	Hill of Sumter,	Stokes,
Bullard,	Johnson of Fayette,	Strickland,
Carlton,	Johnson of Pa'ding,	Stubbs,
Colquitt,	Jossey,	Treadwell,
Darden,	Knox,	Tucker,
Drake,	Lockheart,	Walker,
Edmondson,	Marshall,	Ward,
Fain,	Mathews,	Warthern,
Fambro,	McGuire,	Webb,
Gresham,	Pope,	West,
Griffin of Twiggs,	Quillian,	Whitaker,
Guerry,	Reid,	Williams of White,

So the motion to reconsider prevailed.



Mr. Atkinson introduced a bill to be entitled an act to amend an act to incorporate the town of St. Marys, and the several acts amending the same, which was read the first time.

Mr. Arnold introduced the bill to be entitled an act to authorize Samuel Irwin of the county of Hepry, to practice medicine on the Hydropathic system, to charge and collect compensation for his services; which was read the first time.

Mr. Bartlett introduced a bill to be entitled an act to amend an act, approved February 19th, 1856, to point out the mode of ascertaining the relief and support to which widows or orphans are entitled, out of the estates of their deceased husbands, parents, &c.; which was read the first time.

Mr. Bozeman introduced a bill to be entitled an act authorizing the Justices of the Inferior Court of Pulaski county, to levy an extra tax to pay for the erection of a new Court House and Jail; which was read the first time.

Mr. Castleberry introduced a bill to be entitled an act to alter, change and define the line between Early and Clay counties; which was read the first time.

Also, A bill to be entitled an act to regulate the granting of retail license and sale of spirituous liquors in the county of Clay; which was read the first time.

Mr. Colquitt introduced a bill to be entitled an act to incorporate the Georgia Greys; which was read the first time.

Also, a bill to be entitled an act to authorize the Inferior Court of the county of Muscogee, to pay expenses necessarily incurred in holding the Superior Court of said county; which was read the first time.

Mr. Fields introduced a bill to be entitled an act to add a part of Cherokee county to the county of Milton; which was read the first time.

Mr. Gibson introduced a bill to be entitled an act, to add an additional section to the 10th division of the Penal Code; which was read the first time.

Also, a bill to be entitled an act to amend an act in relation to continuances; which was read the first time.

Mr. Guerry introduced a bill to be entitled an act to fix and make certain the time of holding the election of Judge of the Superior Courts of the Pataula Circuit; which was read the first time.

Mr. Johnson of Fayette, introduced a bill to be entitled an act to authorize plaintiffs to hold to bail in cases sounding in damages, without first procuring an order for that purpose; which was read the first time.

Also, a bill to be entitled an act for the relief of the estate of Samuel Martin, late of the county of Fayette, deceased; which was read the first time.

Also, a bill to be entitled an act to define and declare the duty of the Clerks of the Superior and Inferior Courts of

this State, and to declare the force, effect and validity of the certified copies from the files in said Courts ; which was read the first time.

Mr. Johnson of Paulding, introduced a bill to be entitled an act to attach the county of Paulding to the Tallapoosa Judicial Circuit, and for other purposes therein named ; which was read the first time.

Mr. Gresham introduced a bill to be entitled an act to require the Clerks of the Superior and Inferior Courts of Burke county, to settle with the Inferior Court ; which was read the first time.

Mr. Jossey, introduced a bill to be entitled an act to amend the several acts incorporating the city of Griffin ; which was read the first time.

Mr. Mallard introduced a bill to be entitled an act to incorporate the Great Ohoopce Manufacturing Company, in Tattnall county, to build a dam across a navigable stream, and for other purposes therein mentioned, which was read the first time.

Mr. Matthews introduced a bill to be entitled an act for the relief of Mrs. Mary Jane Warren, of the county of Houston, and to release her from certain disabilities, which was read the first time.

Also a bill to be entitled an act requiring the trustees of the academy lot known as the Houston county academy lot, in the town of Perry, to sell said lot and to appropriate the proceeds as therein specified, which was read the first time.

Mr. Price introduced a bill to be entitled an act to incorporate the Kingston Presbyterian Church, of Cass county, which was read the first time.

Mr. Reid introduced a bill to be entitled an act to compel free persons of color to leave the State, and for other purposes, which was read the first time.

Mr. Riley of Lumpkin, introduced a bill to be entitled an act to change and fix the time of holding the Superior Courts of the county of Lumpkin, and to authorize the drawing and summoning two panels of grand juries, and for other purposes, which was read the first time.

Mr. Shropshire introduced a bill to be entitled an act to authorize William R. Manning, administrator with the will annexed, to sell the real estate of Alexander Manning deceased, at private sale, which was read the first time.

Mr. Stowers introduced a bill to be entitled an act to authorize the Inferior Court of Hart county to pay over certain money to the Ordinary of said county for certain purposes therein named, which was read the first time.

Mr. Bloodworth of Pike, introduced a bill to be entitled an act to prescribe the manner in which precincts may be established, altered or abolished by the Inferior Courts of this State, which was read the first time.

Mr. Tucker introduced a bill to be entitled an act to allow the Clerk of the Inferior Court of Stewart county additional fees for certain services therein specified, which was read the first time.

Also a bill to be entitled an act to incorporate the Lumpkin and Florence Rail Road and to define the privileges and liabilities of the same, which was read the first time.

Also a bill to be entitled an act to prescribe an additional penalty for disobedience by the several banks of the State to the provisions of the act passed 22d Dec., 1857, touching annual and semi-annual reports, which was read the first time.

Also a bill to be entitled an act amendatory of the act of 1836 and 1837, as to the protection of free persons of color, and to point out the mode of trying the right of freedom, so as to prohibit the Courts from entertaining such suit, where a person of color has been sold for crime, in another State, into slavery and brought into this State as a slave, which was read the first time.

Mr. Spalding introduced a bill to be entitled an act to repeal an act entitled an act to provide for the trial, by the Superior Courts of this State, of any slave or slaves, or free persons of color charged with any capital offence against the laws of the State, approved and passed Feb. 14, 1850, which was read the first time.

Mr. Stripling introduced a bill to be entitled an act to define the line between the counties of Montgomery and Tattall, and between the counties of Tattall and Emmanuel, which was read the first time.

Mr. Whitaker proposed to introduce a bill to change the names and legitimate persons therein named, which the President ruled out of order, on the ground that under the amended constitution the Legislature had no power over the question. From which decision Mr. Whitaker appealed, and upon the question, shall the decision of the Chair stand as the judgment of the Senate, the vote was taken and the decision of the Chair sustained.

Mr. Whitaker introduced a bill to be entitled an act to change the laws of this State relative to the election of attorney Solicitors, where vacancies occur, which was read the first time.

Mr. Williams of White, introduced a bill to be entitled an act to authorize Jemima West, the widow of Enoch West, late of White county deceased, to settle said estate, which was read the first time.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act for the relief of the securities of George Wing, former tax collector of the county of McIntosh, which on motion, was referred to the Committee on Finance.

Mr. Paine, from the Committee on Enrollment, report as

duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate,

An act to be entitled an act to appropriate money for the payment of such Judges of the Superior and Supreme Courts as hold commissions bearing date subsequent to the passage of the act at the last session of the General Assembly, raising the salaries of those officers and for the payment of certain sums herein named to Richard K. Hines and William M. Reese.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to modify the 1st section of an act approved 20th February, 1854, in relation to new trials.

The Judiciary Committee offered the following as a substitute, which was adopted in lieu of the original:

A bill to be entitled an act to repeal the first and second (1st and 2d) sections of an act approved 20th Feb., 1854, in relation to new trials, and for other purposes.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Williams of Berrien presented a memorial to the Senate, which, on motion of Mr. Cone, was referred to the Committee on Internal Improvement without being read.

The committee on Internal Improvements have had under consideration the following;

A bill to be entitled an act to allow the Wills Valley Railroad Company, the privilege of issuing an order for the purpose of facilitating the building of said road or accommodating the stockholders of said company.

The committee recommend that this bill be passed.

They have also considered the following and recommend its passage.

A bill to be entitled an act to incorporate the Fort Valley and Atlantic Railroad Company, and to punish persons for violating the provisions of the same.

W. C. COOPER, Chairman.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to define the liability of drawers of bills of exchange check, drafts, and orders and to place them upon the footing of joint promissors.

The Judiciary committee offered the following as a substitute, which is a bill to be entitled an act to authorize acceptors of bills of exchange drawers and endorsers to be sued in the same action, whether such bill of exchange was or was not discounted at any bank in this State.

Pending the question on the reception of the substitute in lieu of the original bill, the hour of adjournment having arrived, the President adjourned the Senate until three o'clock, P. M.

## AFTERNOON SESSION, THREE O'CLOCK, P. M.

The Senate resumed the consideration of the unfinished business of the morning which was a motion to adopt the substitute offered by the Judiciary committee in lieu of the original bill to be entitled an act to define the liabilities of drawers of bills of exchange, checks, drafts, and orders, and to place them upon the footing of joint promissors.

Mr. Stubbs moved to lay the substitute and the original bill on the table for the balance of the session, which was lost.

Mr. Payne offered the following amendment to the substitute.

*And be it further enacted*, that the provision of this act shall not extend to any case or cases now pending in any Courts in this State, but shall be prospective in its action, which amendment was not received.

The question then recurring on the adoption of the substitute in lieu of the original, the motion was lost.

The Senate then agreed to the report of the committee of the whole.

The bill was read the third time and lost.

On motion of Mr. Gresham, the rule were suspended for the purpose of introducing a bill.

Mr. Gresham introduced a bill to be entitled an act, to prescribe the time for holding the Superior Courts of the Middle Circuit of this State, which was read the first time.

The committee on alterations of the Constitution of this State of Georgia, have had under consideration,

A bill to be entitled an act to alter and amend the 3d and 7th sections of the first article of the Constitution of this State, so as to reduce the number of Representatives in both branches of the General Assembly, beg leave to report the bill back to the Senate as amended by striking out and inserting. And recommend that the bill amended do pass.

A. G. FAMBRO, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the Relief of the Commissioners of the Altamaha river.

The report was agreed to, the bill was read the third time and passed.

Mr. Dawson moved to suspended the regular order, for the purpose of reading Senate bills the second time and bills of the House of Representatives the first time, which was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend the first section of the third article of the Constitution, as to the place and places of the sitting of the Supreme Court of this State.

Mr. Briscoe offered the following as a substitute:

A bill to be entitled an act to amend the first section of the third article of the Constitution of this State, so far as regards the place of sitting of the Supreme Court.

On motion of Mr. Tucker, the bill and substitute was made the special order for Monday next.

Mr. Harris of Worth, from the committee on new counties and county lines, report that they have duly considered the bill, entitled an act to add certain lots of land, now in Lee county to the county of Terrell, and report the same back to the Senate and recommend that it do pass.

Also a bill to change the lines between the counties of Worth and Irwin and report the same back to the Senate, and recommend the passage of the same.

Also a bill to change the line between the county of Elbert and Hart, and report the bill back and recommend the passage of the same.

Also a bill to change the line between the counties of Wilcox and Irwin and report the bill back and recommend the passage of the same.

Also a bill to alter and amend an act to change the line between the counties of Cobb and Paulding and report the same back and recommend its passage.

Also a bill to be entitled an act to lay out and organize a new county from the counties of Union, Fannin and Gilmer and for other purposes, and report the same back without an expression of opinion by the committee.

W A. HARRIS, Chairman.

Mr. Hill of Harris, moved that the Senate do adjourn which motion was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act, for the better government of the Western and Atlantic Railroad and to provide a summary process to collect money due by fiscal agents.

Which on motion of Mr. Harris of Worth, was made special order for Wednesday next.

On motion of Mr. Cone, leave of absence was granted to Mr. Cooper after to-morrow for a few days.

Mr. Hill of Harris renewed his motion to adjourn, which was carried, and the Senate then adjourned until 9½ o'clock to-morrow morning.

WEDNESDAY, NOVEMBER 17th, 1858.

9½ o'clock, A. M.

The Senate met according to adjournment.

Mr. Slaughter moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate in relation to a bill to be entitled an act to define the liability of drawers of bills of exchange, checks, drafts, and orders, and to place them upon the footing of joint promissors, which was agreed to.

The Senate took up as the special order of the day,

A bill to be entitled an act for the better government of the Western and Atlantic Railroad, to secure fidelity in its fiscal agents and all other persons indebted to said Road, and to prevent, so far as possible, fruitless and expensive litigation, and for other purposes.

Mr. Briscoe moved to amend the report by striking out the preamble to said bill and by inserting the following preamble in lieu thereof, to wit:

Whereas, in the management of the Western and Atlantic Railroad by the State, losses have doubtless occurred and are liable to occur unless frequent settlements are exacted of its fiscal agents and the State invested with summary remedies against defaulters.

And also to amend the caption to said bill by inserting therein the following words: And to make the account books of said Western and Atlantic Railroad evidence in certain cases, which was agreed to.

Mr. Bloodworth of Pike moved that the report of the committee of the whole be taken up by sections, which was agreed to.

The first section was taken up, read, and agreed to.

The second section was taken up, read, and agreed to.

The third section was taken up and read.

Mr. Jossey moved to amend the same by striking out the word "indebtedness" and by inserting in lieu thereof the words "account current," which was lost.

The third section was then agreed to.

The fourth section being read,

Mr. Bloodworth of Pike moved to amend the same by filling up the blank therein with the words "the first day of January next," which was agreed to.

The fourth section as amended was then agreed to.

The fifth section having been read, the same was agreed to.

The sixth section having been read, the same was agreed to.

The seventh section having been read, the same was agreed to.

The eighth section having been read, the same was agreed to.

The ninth section having been read, the same was agreed to.

The tenth section having been read, the same was agreed to.

The eleventh section having been read, the same was agreed to.

The report of the committee of the whole as amended was then agreed to.

The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to increase the salary of the Superintendent of the Western and Atlantic Railroad.

The report was not agreed to, and the bill was therefore lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act to incorporate the Macon Insurance company in the city of Macon, and to strike out a proviso in the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to encourage the intelligent youth of this State, and to provide a corps of competent school-teachers.

Which, on motion of Mr. Carlton, was referred to the committee on Education.

The Senate took up as the report of the committee of the whole,

A reconsidered bill to be entitled an act to alter a portion of the third section of the first article of the Constitution.

The report was agreed to, the bill was read the third time, and upon the question, shall this bill now pass, the yeas and nays were recorded, in accordance with the Constitution of this State.

And were yeas 54, nays 52.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Fields,	Robinson of Talbot,
Adams of Rabun,	Gholston,	Riley of Lumpkin,
Ashley,	Gibson,	Riley of Taylor,
Bennett,	Gordon,	Smith of Jefferson,
Billups,	Graham,	Staten,
Bloodworth of Car-	Hammond,	Stowers,
roll,	Harris of Walton,	Sutton,



Bloodworth of Pike,	Hays,	Tate,
Bozeman,	Hixon,	Thomas,
Bryan,	Holcombe,	Tison,
Bush,	Jamison,	Turner,
Castleberry,	Mattox,	Ward,
Cochran,	McDonald,	Wilcher,
Collier,	McDuffie,	Williams of Ber
Cooper,	McRea,	rien,
Cone,	Mounger,	Young of Irwin,
Donaldson,	Overstreet,	Young of Union.
Edmondson,	Paine,	
Felton,	Price,	

Those who voted in the negative are Messrs.

Akins,	Guerrey,	Reynolds,
Arnett,	Hart,	Roberts,
Arnold,	Harris of Merriweth-	Robison of Laurens,
Banks,	er,	Shepherd,
Briscoe,	Harris of Worth,	Shropshire,
Brown,	Hill of Harris,	Slaughter,
Bullard,	Johnson of Fayette,	Smith of Hancock,
Carlton,	Johnson of Pauld-	Stokes,
Colquitt,	ing,	Strickland,
Crowder,	Jossey,	Stubbs,
Dawson,	Knox,	Treadwell,
Darden,	Lockheart,	Walker,
Drake,	Marshall,	Warthen,
Fain,	Matthews,	Webb,
Fambro,	McGuire,	West,
Gresham,	Pope,	Whitaker,
Griffin of Calhoun,	Quillian,	Williams of White,
Griffin of Twiggs,	Reid,	Wooten,

There not being a constitutional majority, the bill was lost.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President* :—The House has passed the following bills, to wit:

A bill to be entitled an act to amend an act assented to December 22d, 1857, entitled an act to amend an act to exempt from levy and sale under execution certain property therein mentioned, assented to Dec. 11th, 1841.

A bill to be entitled an act to repeal an act entitled an act to authorize overseers of the roads for Walker, Gwinett, Forsyth, Cobb, Cherokee, Bibb, Lumpkin and Gilmer counties to appoint warners and define their duties, approved December 11th, 1841, so far as relates to the county of Cherokee.

A bill to be entitled an act to provide for the compensation of grand and petit jurors of Dawson county in the Superior

and Inferior Courts of said county, and to provide for the payment of the same.

A bill to be entitled an act to incorporate Phi Delta Lodge No. 148 of free and accepted Masons, of the county of Franklin.

A bill to be entitled an act to change the line between the counties of Gilmer and Pickens, so as to include lots of land, numbers 139, 140, 114, in the 12th district of the 2d section, whereon D. S. McCravey and Leroy McCravey now live, in Gilmer county, be added to the county of Pickens.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Decatur county to appoint commissioners to lay off said county into school districts, and to apportion the poor school fund to each district.

A bill to be entitled an act to amend the charter of the town of Monticello, in Jasper county, so as to give the election of Marshal of said town to the legal voters of said town.

A bill to be entitled an act to amend an act assented to 23d Feb., 1850, establishing a Justices Court at Holmesville, in Appling county, &c.

A bill to be entitled an act to consolidate the offices of tax receiver and collector of Pierce county.

A bill to be entitled an act for the relief of Melissa A. H. Booker, of the county of Gordon.

A bill to be entitled an act to amend the charter of the town of Calhoun, so as to give the Town Council of said town the power to impose a corporation tax on all retailers of spirituous liquors within the limits of said town.

A bill to be entitled an act to authorize Ordinaries of this State to issue cost *fi. fas.* generally.

A bill to be entitled an act to authorize and empower John W Reid, administrator on the estate of Samuel B. Daniel, late of Greene county deceased, to vest any surplus funds in his hands arising from the sale of crops, &c., under limitations and restrictions herein set forth.

A bill to be entitled an act to incorporate the trustees of the Mud Creek Baptist Camp Ground, and to confer certain privileges to said trustees.

A bill to be entitled an act to authorize the coroners in this State when exercising the office of sheriff, to appoint deputies.

A bill to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Courts of the county of Mitchell.

A bill to be entitled an act to consolidate the offices of tax collector and tax receiver of the county of Dawson.

A bill to be entitled an act to make the receivers of tax returns in the several counties of this State, hereafter to be elected, assessors of taxes in certain cases hereinafter named, and for other purposes.

A bill to be entitled an act to authorize the Inferior Court of Hancock to levy an extra tax for the purpose of establishing quarters for the poor of said county, and for other purposes.

A bill to be entitled an act to authorize and require the Justices of the Inferior Court of the county of Forsyth, to sell the old academy and lands belonging to the same, in the town of Cumming, and apply the proceeds of the same as a poor school fund.

A bill to be entitled an act to change the times of holding the Inferior Courts in the county of Forsyth.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to alter and amend the first section of the third article of the Constitution of the State of Georgia.

Mr. Thomas moved that the same be made the special order for next Monday two weeks, which was agreed to.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to incorporate the Fort Valley and Atlantic Railroad Company, and to punish persons for violating the same.

Mr. Bozeman moved to amend the report by striking out of the first section of said bill the name of Oren C. Clark, and inserting the name of Oren C. Horn in lieu thereof, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act for the relief of Daniel Majors and Elizabeth Frances Norman, of the county of Webster.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to allow the Wills Valley Railroad Company the privilege of issuing an order for the purpose of facilitating the building of said road, and accommodating the stockholders of the company.

Mr. Fambro moved to amend the report by adding the following proviso to the first section of said bill, to-wit:

Provided the individual property of the several stockholders be jointly and severally bound for the redemption of all the liabilities of said incorporation or chartered company and that no liability when once created, shall cease upon the expiration of said charter by limitation or otherwise, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the

whole, a bill to be entitled an act for the relief of David Dyer of the county of Morgan, and for other purposes.

Mr. Stubbs moved to amend the report by adding the following section to said bill, to-wit:

*And be it further enacted by the authority aforesaid, That Overton Sego, of Bibb county, be released from all disabilities on account of his marriage to and divorce from his wife, Mrs. Sego, and that he be permitted to again contract matrimony, which was agreed to.*

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following reconsidered bill, to-wit: a bill to be entitled an act to amend an act to alter and amend the several laws in relation to the poor school system, so far as relates to the county of Lumpkin, and for other purposes.

Mr. Adams of Rabun, moved to amend the report by striking out the word "county," wherever it occurs in the caption and bill, and by inserting in lieu thereof the word "counties," and by inserting in said caption and bill, after the word "Lumpkin," the words "and Rabun," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to repeal all laws relating to head-rights so far as they apply to Washington county.

Mr. Carlton moved to amend the report by inserting in the preamble and first section of said bill, "Clark county," and by changing the caption of the same to correspond therewith, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act for the relief of Amanda C. Flournoy, of Washington county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act for the relief of John B. Griffin, of Muscogee.

Mr. Griffin of Twiggs, moved to amend the report by adding the following section to said bill:

*And be it further enacted, That the provisions of this bill be extended to Seaborn Whithurst, of the county of Pulaski, by reason of his intermarriage with Patience Jones of the county of Twiggs, which was agreed to.*

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to change the line between

the counties of Elbert and Hart so as to include one hundred and seven acres of land and the residence thereon of Allen S. Turner now in the county of Elbert, and add the same to the county of Hart.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of Amy Clark, formerly of Baker now Mitchell county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prescribe a plan for dividing the poor school fund of the county of Baker, at the time of the organization of the county of Mitchell, between the said counties.

Mr. McDonald moved to amend the report by adding the following section to said bill, to-wit:

*And be it further enacted,* That the Ordinary of Ware county is authorized to pay over to the Ordinary of Pierce county, one-third the amount of the poor school fund on hand at the time of the organization of the county of Pierce, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend the road laws of this State, so far as relates to the county of Oglethorpe.

On motion, the report was amended by inserting in the first section of said bill, the following counties, to-wit: Henry, Elbert, White, Habersham, Hancock, Carroll, Clark, Wayne, Pike, Monroe, Franklin, Marion, Paulding, Early, Baker, Colquitt, Union, Fannin, Miller, Dade, Pickens, Thomas, Rabun, Taliaferro, Ware, Milton, Cobb, Butts, Merriwether, Coweta, Houston, Floyd, Chattooga, Crawford, Wilkinson and Taylor, and by changing the caption of said bill to correspond therewith.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend the third, fourth and seventh sections of the first article of the Constitution of the State of Georgia, so as to reduce the number of members in both branches of the General Assembly, the Senate to consist of forty members, and the House to one member from each county.

The Committee on Amendments to the Constitution moved to amend the report by striking out the word "fourth" wherever it appears in said bill, and also by inserting the word "eight" after the word "forty," and before "members," wherever it appears in said bill, and also, by striking out the word "five" in the second section of said bill, and inserting the word "six" in lieu thereof, which was agreed to.

Mr. Atkinson moved further to amend the report by adding the following proviso to the second section of said bill, to-wit:

Provided, That no county shall have more than one Senator.

Mr. Harris of Worth moved that the report as amended be laid on the table for the balance of the session.

Pending which, Mr. Guerry moved that the Senate do now adjourn.

Upon agreeing to which motion, Mr. Slaughter required the yeas and nays, which being recorded, were yeas 31, nays 72

Those who voted in the affirmative were Messrs:

Adams of Rabun,	Graham,	Slaughter,
Arnett,	Gresham.	Spaulding,
Atkinson,	Griffin or Calhoun,	Staten,
Ashley,	Guerry,	Tison,
Banks,	Hammond,	Turner,
Bozeman,	Hixon,	Whitaker,
Briscoe,	McGuire,	Wilcher,
Dawson,	McRea,	Wooten,
Drake,	Pope,	Young of Union,
Felton.	Robinson, of Talbot,	
Gordon,	Shropshire,	

Those who voted in the negative were Messrs:

Adams of Elbert,	Gholston,	Robinson, of Laur-
Aikens,	Griffin of Twiggs,	ens,
Arnold,	Harris of Merri-	Riley of Lumpkin,
Bartlett,	wether,	Riley of Taylor,
Bennett,	Harris of Walton,	Shepherd,
Bloodworth of Car-	Harris of Worth,	Smith of Hancock,
roll,	Hays,	Smith of Jefferson,
Bloodworth of Pike,	Hill of Harris,	Stowers,
Brown,	Holcombe,	Strickland,
Browning,	Jarrard,	Stripling,
Bryan,	Johnson of Fayette,	Stubbs,
Bullard,	Johnson of Pauld-	Sutton,
Bush,	ing,	Tate,
Carlton,	Knox,	Thomas,
Castleberry,	Lockheart,	Treadwell,
Cochran,	Mattox,	Walker,

Collier,	Marshall,	Ward,
Colquitt,	Matthews,	Webb,
Cooper,	McDonald,	West,
Cone,	McDuffie,	Westbrooks,
Crowder,	Mounger,	Wilcoxson,
Darden,	Overstreet,	Williams of Berrien,
Donaldson,	Paine,	Williams of White,
Edmondson,	Quillian,	Young of Irwin,
Fain,	Reid,	
Fields,	Roberts,	

So the motion to adjourn did not prevail.

Mr. Atkinson moved that the report be laid on the table for the present.

Mr. Hill of Harris raised a point of order, and the President of the Senate decided that the motion to lay on the table for the present was not in order pending a motion to lay on the table for the balance of the session.

Upon request, Mr. Harris of Worth withdrew his motion to lay the report on the table for the balance of the session.

And Mr. Bloodworth of Carroll renewed it.

Pending which, Mr. Slaughter moved that the Senate do now adjourn.

Upon which, Mr. Atkinson raised a point of order, and the President of the Senate decided that inasmuch as the motion pending when the previous motion to adjourn was made had been withdrawn since the vote was taken, the motion to adjourn was now in order.

The motion to adjourn was then put and lost.

The question recurring upon the motion to lay the report on the table for the balance of the session, on agreeing to the same the yeas and nays were required to be recorded, and were yeas 37, nays 67.

Those who voted in the affirmative are Messrs:

Adams of Elbert,	Cochran,	Robinson of Laurens
Adams of Rabun,	Donaldson,	Riley of Taylor,
Akins,	Gholston,	Smith of Jefferson,
Arnold,	Griffin of Calhoun,	Staten,
Ashley,	Griffin of Twiggs,	Stowers,
Bennett,	Harris, of Walton,	Treadwell,
Bloodworth of Car-	Harris of Worth,	Turner,
roll,	Hays,	Webb,
Bloodworth of Pike,	Hixon,	West,
Briscoe,	Johnson of Paulding,	Wilcher,
Browning,	Mattox,	Williams of Berrien,
Bryan,	McRea,	Young of Irwin,
Bullard,	Roberts,	

Those who voted in the negative are Messrs :

<b>Banks,</b>	<b>Hammond,</b>	<b>Riley of Lumpkin,</b>
<b>Bartlett,</b>	<b>Hart,</b>	<b>Shepherd,</b>
<b>Billups,</b>	<b>Harris of Merriweth-</b>	<b>Shropshire,</b>
<b>Brown,</b>	<b>er,</b>	<b>Slaughter,</b>
<b>Bush,</b>	<b>Hill, of Harris,</b>	<b>Spalding,</b>
<b>Carlton,</b>	<b>Holcombe,</b>	<b>Smith of Hancock,</b>
<b>Castleberry,</b>	<b>Jamison,</b>	<b>Stokes,</b>
<b>Collier,</b>	<b>Jarrard,</b>	<b>Strickland,</b>
<b>Colquitt,</b>	<b>Johnson of Fayette,</b>	<b>Stripling,</b>
<b>Cooper,</b>	<b>Jossey,</b>	<b>Stubbs,</b>
<b>Cone,</b>	<b>Knox,</b>	<b>Sutton,</b>
<b>Dawson,</b>	<b>Lockheart,</b>	<b>Tate,</b>
<b>Darden,</b>	<b>Marshall,</b>	<b>Thomas,</b>
<b>Drake,</b>	<b>Matthews,</b>	<b>Walker,</b>
<b>Edmondson,</b>	<b>McDonald,</b>	<b>Ward,</b>
<b>Fain,</b>	<b>McGuire,</b>	<b>Warthen,</b>
<b>Fambro,</b>	<b>Mounger,</b>	<b>Westbrooks,</b>
<b>Field,</b>	<b>Paine,</b>	<b>Whitaker,</b>
<b>Gibson,</b>	<b>Pope,</b>	<b>Wilcoxson,</b>
<b>Gordon,</b>	<b>Price,</b>	<b>Williams of White.</b>
<b>Graham,</b>	<b>Quillian,</b>	<b>Wooten.</b>
<b>Gresham,</b>	<b>Reid,</b>	<b>Young of Union.</b>
<b>Guerry,</b>	<b>Robinson of Talbot,</b>	

So the motion to lay on the table for the balance of the session did not prevail.

Mr. Thomas moved that the report of the committee of the whole, on the foregoing bill, be made the special order for next Monday week ; which was agreed to.

Leave of absence was granted to Messrs. Tucker and Fambro, for a few days, including to-day.

On motion of Mr. Stubbs, Mr. Gresham was added to the committee on the Asylum for the Blind.

The committee on Banks make the following report :

The sub-committee report as to the resolution requesting them to frame and report a bill to force obedience on the part of the Banks of this State, respectfully report :

There is no proof before them as to the violation by any particular Bank of the laws of this State, and recommend for the purpose of getting definite information, the following resolution :

That His Excellency the Governor be requested to furnish the Senate at his convenience with all the last semi-annual returns of the banks of this State, with copies of the affidavits of the officers making returns; and also, stating what Banks have failed; the opinion of His Excellency to comply with the act passed 22d December, 1857, in relation to Banks.

A bill to incorporate a bank in Atlanta, to be called the Railroad City Bank, and for other purposes, report :



Your committee, while they do not commit themselves to the principle that the personal liability clause is a sufficient protection, or even any protection to the billholder ; because it in their opinion, deters men of substantial means from taking stock, while the desperate adventurer makes commerce of bank charters.

That in this particular case, the corporators having asked for a charter with that clause, recommend that the bill do pass.

B. F. WARD, Chm'n.

A bill to incorporate a bank in the city of Atlanta, to be called the Marietta Bank, report :

For the same reasons, that induce your committee to report in favor of No. 65, and not committing themselves to the principle of personal liability clause, recommend that the bill do pass. The same report, as to No. 86, No. 81, to define the liability of stockholders in banks and other corporations, recommend unanimously that it do pass.

P. T. STUBBS, Chm'n, sub-committee.

Report agreed to.

B. F. WARD, Chm'n.

The following message was received from the House of Representatives by Mr. Shropshire their Clerk :

*Mr. President :* The House has passed the following bills, to-wit :

A bill to be entitled an act to alter and amend the first section of an act to alter and amend the Road Laws of this State, approved December 19th, 1818, as far as relates to the appointment of commissioners for the county of Gordon, and to define the time for which said commissioners shall be appointed and for other purposes.

A bill to be entitled an act to abolish the public execution of criminals condemned to death by the laws of Georgia, and to provide for their execution in private.

A bill to be entitled an act to authorize collection of interest on open accounts from the time they may be determined by a jury to be due.

A bill to be entitled an act to repeal the 3d and 4th sections of an act entitled an act to amend an act to incorporate the town of Lumpkin in Stewart county, assented to, December 26th, 1831, approved January 17th, 1850, and prescribe duty of the road commissioners.

On motion of Mr. Slaughter, the Senate then adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Mr. Dawson moved that the regular order be suspended for the purpose of taking up and reading bills of the House of Representatives the first time, which was agreed to, and the following bills of the House of Representatives were taken up and severally read the first time, to-wit :

A bill to be entitled an act to authorize the collection of interest on open accounts from the time they may be determined by a jury to be due.

Also, a bill to be entitled an act to incorporate the Delta Lodge, No. 148, of Free and Accepted Masons of the county Franklin.

Also, a bill to be entitled an act to abolish the public execution of criminals condemned to death by the laws of Georgia, and to provide for their execution in private.

Also, a bill to be entitled an act to alter and amend the charter of the city of Columbus.

Also, a bill to be entitled an act to provide for the compensation of grand and petit jurors of Dawson county, in the Superior and Inferior Courts of said county, and to provide for the payment of the same.

Also, a bill to be entitled an act to incorporate the Penfield Railroad Company.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Georgia Air Line Railroad Company, and to confer on them certain powers and privileges therein mentioned, approved March 5th, 1856.

Also, a bill to be entitled an act to incorporate Gaulding Lodge No. 215, of Free and Accepted Masons of Forsyth county.

Also, a bill to be entitled an act to fix the time of holding Inferior Courts in the counties of Charlton and Gordon.

Also, a bill to be entitled an act to amend an act, to protect the estate of orphans, and to make permanent provisions for the poor, approved December 18th, A. D. 1792.

Also, a bill to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Courts of the county of Mitchell.

Also, a bill to be entitled an act to authorize the Justices of the Peace of the county of Gordon, in and for 849th district, Georgia militia; also, of the county of Walton, in and for the 417th district Georgia militia, to hold their Courts two days in certain cases.

Also, a bill to be entitled an act to make valid and binding the subscription heretofore made by the Mayor and Council

of the city of Columbus, to the stock of the Mobile and Girard Railroad Company, &c.

Also, a bill to be entitled an act to authorize A. J. Williamson, executor of John Williamson, late of Emmanuel county, deceased, to sell the real estate of said deceased, at private sale.

Also, a bill to be entitled an act for the relief William Stanfill of the county of Lowndes.

Also, a bill to be entitled an act to establish a Board of Education in the county of Lincoln, and to confer certain specified powers upon them. Also to declare what teachers shall be entitled to draw upon the poor school fund of said county.

Also a bill to be entitled an act to lay off and organize a new county out of the counties of Washington, Emanuel, and Laurens, to be called Johnson county, to attach the same to the middle Judicial District, to the first Congressional District, and to the second brigade and first division of Georgia Militia, and for other purposes.

Also, a bill to be entitled an act to make Martha A. Cook of the county of Thomas, the adopted heir of Syntha Burke, and for other purposes.

Also, a bill to be entitled an act to repeal a portion of an act to change the lines between the counties of Cass and Gordon, and Gordon and Murray, and other counties therein named, approved March 6th, 1856.

Also, a bill to be entitled an act to consolidate the offices of the clerks of the Superior and Inferior Courts of the county of Glasscock.

Also a bill to be entitled an act for the relief of Alexander Teague, of the county of Union.

Also a bill to be entitled an act to incorporate Hudson Lodge number 208 free and accepted Masons, situated at Glade X Roads, Putnam county.

Also a bill to be entitled an act to incorporate Butler Lodge No. 211 free and accepted Masons at Mill Town, Berrien county, Georgia.

Also a bill to be entitled an act for the relief of Mrs. Ann S. Fenn, of the county of Richmond.

Also a bill to be entitled an act to change the time of holding the Inferior Courts of the county of Appling.

Also a bill to be entitled an act for the relief of Maria Leary, formerly Maria Small, of the county of Houston.

Also a bill to be entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards in the town of Newnan, Coweta county, and other purposes therein mentioned.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of the several counties in this State up-

on the recommendation of the Grand Juries thereof to assess and collect a tax for the payment of Grand and Petit Jurors and at their pleasure to discontinue and again re-assess the same upon said recommendation.

Also a bill to be entitled an act to change and establish the line between the counties of Jefferson and Emanuel.

Also a bill to be entitled an act to amend an act entitled an act to incorporate the Atlanta Medical College, and for other purposes therein mentioned.

Also a bill to be entitled an act to allow Sarah Bryan, wife of John W. Bryan, of Lee county, to act as *feme sole* and protect all her property against her husband's debts.

Also a bill to be entitled an act for the relief of John M. Willhite, of the county of Jackson.

Also, a bill to be entitled an act to authorize Russell Jones, of the county of Union, guardian of the minors of James Thomas, to sell the negroes of said estate in the county of Walton, and for other purposes.

Also, a bill to be entitled an act to compel Judges of the Superior Court of each circuit in the State to hold adjourned terms in every county within their circuits where the business requires, until the docket is cleared, and for other purposes.

Also, a bill to be entitled an act for the relief of William M. Reese, administrator of Toliver Jones.

Also, a bill to be entitled an act to change the time of holding the Inferior Court of Ware county.

Also, a bill to be entitled an act for the support of the pupils of the Georgia Academy for the Blind.

Also, a bill to be entitled an act for the relief of Mrs. Annie T. Carroll, wife of Robert Carroll, of Fulton county.

Also, a bill to be entitled an act to authorize guardians to act as administrators in certain cases, &c.

Also, a bill to be entitled an act to incorporate Kimbrough Lodge No. 118.

Also, a bill to be entitled an act to legalize the proceedings of the Superior Court of Taliaferro county.

Also, a bill to be entitled an act to reduce the official bond of the Sheriff hereafter to be elected in the counties of McIntosh and Schley, from the sum of twenty thousand dollars to the sum of ten thousand dollars.

Also a bill to be entitled an act to authorize coroners to appoint deputies.

Also, a bill to be entitled an act for the relief of David Edwin W. Irwin of the county of Chatham, of James Smith of the county of Clay, of Frances Frith of the county of Randolph, of Henry Brunson of the county of McIntosh, of Polly Ann Maryman, of the county of Milner.

Also a bill to be entitled an act to incorporate Altamaha

Lodge number two hundred and twenty-seven (227) of free and accepted masons of the county of McIntosh.

Also, a bill to be entitled an act to amend an act entitled an act in relation to the public records of counties where they have been destroyed by fire, &c., approved March 5th, 1856.

Also, a bill to be entitled an act to amend the third section of an act entitled an act to prescribe the manner in which the names of persons may be changed and born illegitimate may be made legitimate, and to carry into effect the provisions of the Constitution upon the subject; also to prescribe the manner in which children may be adopted, approved March 6th, 1856.

Also, a bill to be entitled an act to repeal an act entitled an act to authorize overseers of the roads for Walker, Gwinnett, Forsyth, Cobb, Cherokee, Bibb, Sumter and Gilmer counties to appoint warners and define their duties, approved December 11th, 1841, so far as relates to the county of Cherokee.

Also, a bill to be entitled an act to amend an act assented to December 22d, 1857, entitled an act to amend an act to exempt from levy and sale under execution certain property therein mentioned, assented to Dec. 11th, 1841.

Also a bill to be entitled an act to amend the charter of the town of Monticello, so as to give the election of Marshal of said town to the legal voters of said town.

Also a bill to be entitled an act for the relief of Malissa A. H. Booker, of the county of Gordon.

Also a bill to be entitled an act to alter and amend the first section of an act to alter and amend the road laws of this State, approved December 19th, 1818, as far as relates to the appointment of commissioners for the county of Gordon, and to define the time for which said commissioners shall be appointed, and for other purposes.

Also a bill to be entitled an act to amend an act to amend the several acts in relation to the assignment of dower, assented to February 21st, A. D. 1850.

Also a bill to be entitled an act to remove and prevent obstructions in, and keep open one-third of the main channel of the Chattahoochee river, from the line of Florida to the mouth of the Chestatee river.

Also a bill to be entitled an act authorizing Martha B. Banks, administratrix, and Joseph H. Banks, administrator of Richard Banks deceased, to sell certain lands at private sale.

Also a bill to be entitled an act to straighten, define and mark a part of the county line between the counties of Greene and Oglethorpe, and to provide for the running of the same.

Also a bill to be entitled an act to consolidate the offices of tax collector and tax receiver of the county of Dawson.

Also a bill to be entitled an act to incorporate the trustee

of the Mud Creek Baptist Camp Ground, and to confer certain privileges to said trustees. •

Also a bill to be entitled an act to change the line between the counties of Gilmer and Pickens, so as to include lots of land numbers 139, 140, 114, in the 12th district of the 2d section, whereon D. S. McCravey now lives in Gilmer county, be added to the county of Pickens.

Also a bill to be entitled an act to amend an act assented to 23d February, 1850, establishing a Justices Court at Holmesville, in Appling county.

Also a bill to be entitled an act to authorize Ordinaries of this State to issue cost fi. fas. generally.

Also a bill to be entitled an act to consolidate the offices of tax receiver and collector, of Pierce county.

Also a bill to be entitled an act to authorize the Justices of the Inferior Court of Decatur county to appoint commissioners to lay off said county into school districts and to apportion the poor school fund to each district.

Also a bill to be entitled an act for the relief of Jacob Weaver, Sarah Ann Weaver, (alias) Sarah Ann Calhoun, and for other purposes therein mentioned.

Also a bill to be entitled an act to change the times of holding the Inferior Courts of the county of Forsyth.

Also a bill to be entitled an act to alter and amend the third section of an act to alter and amend the road laws of this State, approved December 19th, 1818, in relation to the warning hands by the overseers, and to authorize the overseers to warn one day before the working of the roads.

Also a bill to be entitled an act to authorize and empower John W Reid, administrator on the estate of Samuel B. Daniel, late of Greene county deceased, to vest any surplus funds in his hands arising from the sale of crops, &c., under limitations and restrictions herein set forth.

Also a bill to be entitled an act to make the receivers of tax returns in the several counties of this State hereafter to be elected, assessors of taxes in certain cases hereinafter named and for other purposes.

Also a bill to be entitled an act to authorize the Inferior Court of Hancock to levy an extra tax for the purpose of establishing quarters for the poor of said county, and for other purposes.

Also a bill to be entitled an act to amend the charter of the town of Calhoun, so as to give the Town Constable of said town the power to impose a corporation tax on all retailers of spirituous liquors within the corporate limits of said town.

Also a bill to be entitled an act to authorize and require the Justices of the Inferior Court of the county of Forsyth to sell the old academy and lands belonging to the same in the town of Cumming, and apply the proceeds of the same as a poor school fund.

Also a bill to be entitled an act to repeal the 3d and 4th sections of an act entitled an act to amend an act to incorporate the town of Lumpkin, in Stewart county, assented to Dec. 26th, 1831, approved Jan. 17th, 1850, and prescribe the duty of the road commissioners.

Also a bill to be entitled an act to authorize the Inferior Court of Washington county to levy and collect an extra tax for the building of a jail in said county, and for other purposes.

Also a bill to be entitled an act to declare the true intent and meaning of an act entitled an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801, and an act entitled an act supplementary to and more effectually to enforce an act prescribing the mode of manumitting slaves in this State, approved December 19th, 1818.

Also a bill to be entitled an act to amend an act entitled an act to authorize and require the trustees of Trenton Academy to sell the same, together with the lot of land upon which it is located.

On motion the rules were further suspended and the following bill of the House of Representatives was taken up read and referred to the committee of the whole, to-wit :

A bill to be entitled an act to relieve John Green and Rebecca Green of the county of Bibb, from the pains and penalties of bigamy, or adultery, and for other purposes.

On motion of Mr. Neal the rules were further suspended for the purpose of introducing a bill.

Mr. Neal introduced a bill to be entitled an act to incorporate the town of Thompson, in Columbia county, which was read the first time.

Mr. Hill of Harris, from the Select Committee, to whom a bill to be entitled an act to allow bail to slaves, &c., was referred, made the following report :

The Select Committee to whom was referred a bill to be entitled an act to allow bail to slaves and free persons of color who have or may commit offences against the laws of this State, also to compensate attorneys at law for defending negroes, where the master or owner of a slave who stands charged with an offence, neglect or refuse to employ counsel to defend such slave or slaves, with the amendments thereto, have had the same under consideration, and beg leave to report a substitute for the original bill and amendments, and recommend the passage of the substitute in lieu of the original.

HILL, of Harris,  
COLQUITT,  
WHITAKER.

On motion of Mr. Webb, the Senate then adjourned until half past 9 o'clock to-morrow morning.

*THURSDAY, NOVEMBER 18th, 1858.*

NINE AND HALF O'CLOCK, A. M.

• The Senate met according to adjournment.

Mr. Stubbs moved to reconsider so much of the Journal of yesterday as relates to the vote by which a bill to be entitled an act to increase the salary of the Superintendent of the Western and Atlantic Railroad was lost.

Which motion did not prevail.

Mr. Sutton moved to reconsider so much of the Journal of yesterday as relates to the vote by which a bill to be entitled an act to allow the Wills Valley Railroad Company the privilege of issuing an order for the purpose of facilitating the building of said road or accommodating the stockholders of said company was passed, which was agreed to.

Mr. Guerry from the committee on Finance made the following report.

The Finance Committee to whom was referred a bill to be entitled an act for the relief the securities of George Wing, former Tax Collector of the county of McIntosh, have had the same under consideration and beg leave to report in favor of its passage.

T. L. GUERRY, Chairman.

On motion of Mr. Guerry, the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of the securities of George Wing, former Tax Collector of the county of McIntosh.

Mr. Spalding moved to amend the report by adding the following words to the preamble of said bill to-wit:

Whereas in or about the year 1844 the said George Wing became a defaulter to the State, and whereas the State has slept over her rights and the parties now in possession of the property are innocent and purchased said property in good faith,

Which was agreed to, the report as amended was agreed to the bill was read the third time and passed.

On motion of Mr. Dawson, the rules were further suspended and the Senate took up as the report of the committee of the whole, the following reconsidered bill of the Senate to-wit:

A bill to be entitled an act to allow the Wills Valley Railroad Company the privilege of issuing an order for the purpose of facilitating the building of said road or accommodating the stockholders of said company.

Mr. Dawson moved to amend the report by striking out



the proviso to the second section of said bill, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

Mr. Stubbs from the committee on the Judiciary made the following report,

The committee on the Judiciary have had under consideration the following bills referred to it and report the same back to the Senate with the following recommendations.

The committee recommend the passage of the following bills to-wit:

A bill to be entitled an act to amend the divorce laws of this State.

Also a bill to be entitled an act to alter the certiorari laws of this State.

Also a bill to be entitled an act to amend the act in relation to taking cases to the Supreme Court.

Also a bill to be entitled an act to authorize attorneys at law to control executions and for other purposes.

Also a bill to be entitled an act to make void the contracts of minors with the exceptions therein stated.

Also a bill to be entitled an act to regulate the fees of the Ordinary of Richmond county with amendments thereto.

The committee recommend the passage of the following bills, after the adoption of the amendments proposed to the same, to-wit:

A bill to be entitled an act to regulate the order in which criminal cases shall be called and disposed of in the Superior Courts of this State and for other purposes.

The committee propose to amend the same by inserting in the first section thereof, after the words "in jail" the words "or may have made demand on the minutes for trial."

A bill to be entitled an act to make uniform the criminal practice in the several Judiciary circuits in this State, and to change the rules of evidence in criminal trials in certain cases and for other purposes.

The committee recommend that the 2d and 3d sections of this act be stricken out.

A bill to be entitled an act to prescribe the mode of perfecting service and to regulate proceedings in cases of scire facias on non-residents.

The committee propose to amend the first section thereof by adding after the word "in" and before the word "bail," the word "all" and after the word "paper" the words "in which the Sheriff sales of the county are published."

And to amend the second section thereof by adding after the words "scire facias," and the cost of publishing said notice be taxed in the bill of cost against said defendants and their bail."

The committee recommend that the following bills do not pass, to-wit:

A bill to be entitled an act to amend an act for ascertaining the rights of aliens and pointing out a mode for admission of citizens, approved 7th Feb. 1785.

Also a bill to be entitled an act to authorize the Ordinaries of this State to issue fi. fas. for their fees and to point out the mode of collecting the same.

Also a bill to be entitled an act to repeal an act to point out the manner of creating certain corporations, to define their rights and privileges and to provide a mode of changing the names of individuals, assented to December 28th, 1843, and also to repeal the act, approved December 29th, 1845, to extend the provisions of the act passed December 28th, 1843.

Also a bill to be entitled an act in relation to removal of trustees &c.

Also a bill to be entitled an act to regulate the measure of damages in suits by purchasers against vendors of slaves upon breach of warrants of title.

Also a bill to be entitled an act to provide for making sheriff's titles in certain cases and for other purposes.

T. P. STUBBS, Ch'n. pro. tem.

On motion of Mr. Gibson, the rules were further suspended and the resolution previously offered by the committee on banks requesting information of his Excellency the Governor was taken up read and agreed to.

Mr. Adams of Elbert offered the following resolutions.

*Resolved*, By the Senate and House of Representatives of the State of Georgia, that his Excellency the Governor be and he is hereby authorized and requested to deliver to James A. Green all the papers of whatever kind in the claim of Peter Trezevant for the, purpose of prosecuting said claim against the Government of the United States, either before the Court of claims or the Congress of the United States, as he the said James A. Green may think best.

*Resolved*, That the said James A. Green is hereby authorized to retain per cent out of the amount he may collect of said claim for his services as agent or Attorney

*Resolved further*, That if the said James A. Green should fail to collect said claim the State Georgia shall not be liable or bound to allow him any thing for his services.

On motion of Mr. The rules were suspended and the resolution offered by the sub-committee on banks, was taken up read and agreed to.

Mr. Arnett introduced a bill to be entitled an act to incorporate a bank to be called the Planters Bank in the county of Decatur, which was read the first time.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk:

**Mr. President:**—The House has passed the following bills, to-wit :

A bill to be entitled an act authorizing the State Treasurer to make certain advances.

A bill to be entitled an act to extend the writ of certiorari to possessory warrants.

A bill to be entitled an act to reimburse John H. Howard for the expense incurred by him in the Courts of Alabama and of the United States, in defense of the State line as described in the compact of 1802.

A bill to be entitled an act to repeal an act entitled an act to provide for the trial by the Superior Courts of this State, of any slave or slaves, or free persons of color charged with any capital offence against the laws of this State, approved February 14th, 1850.

Mr. Ashley introduced a bill to be entitled an act to establish the times of holding the Inferior Courts for the county of Coffee, which was read the first time.

Mr. Bloodworth of Pike introduced a bill to be entitled an act to provide for the taking of the census of the State of Georgia, in pursuance of the requirements of the twenty-fifth section of the first article of the Constitution of the State of Georgia, which was read the first time.

Mr. Briscoe introduced a bill to be entitled an act to repeal an act to settle and fix the hours of labor by all white persons under twenty-one years of age, in all cotton, woolen, and other manufacturing establishments in this State, and to make all contracts to labor in said factories for a greater length of time than herein prescribed, null and void, and to punish violations of this act, approved February 20th, 1854, so far as the Milledgeville Manufacturing Company is concerned, which was read the first time.

Mr. Fein introduced a bill to be entitled an act to add a part of the county of Gilmer to the county of Fannin, and for other purposes herein mentioned, which was read the first time.

Mr. Bullard introduced a bill to be entitled an act for the relief of John Woodall, late of Jones county, deceased, one of the securities of Felix Woodall, for the delivery of certain books, which was read the first time.

Mr. Gordon introduced a bill to be entitled an act to prohibit the forfeiture of defendants' bonds in criminal cases under the degree of felony, when the defendants are sick, and to make sickness a cause of continuance in such cases, which was read the first time.

Also, a bill to be entitled an act to amend the several acts now in force in relation to the incorporation of the town of LaFayette in Walker county, which was read the first time.

Also, a bill to be entitled an act to encourage the system of

internal improvement in this State, which was read the first time.

Mr. Bullard introduced a bill to be entitled an act to change the line between the counties of Fayette and Campbell counties, which was read the first time.

Mr. Carlton introduced a bill to be entitled an act to regulate the agencies of insurance companies not incorporated by the State of Georgia, which was read the first time.

Mr. Graham introduced a bill to be entitled an act to render more certain the legal construction of wills, deeds or other instruments in this State, which was read the first time.

Also, a bill to be entitled an act to compel bank agencies, whether foreign or domestic, in this State, to pay a county tax, which was read the first time.

Mr. Gholston introduced a bill to be entitled an act authorizing the Inferior Courts of the counties of Fayette and Madison to levy an extra tax to pay the grand and petit jurors one dollar per diem for their services as jurors, &c., which was read the first time.

Mr. Hammond introduced a bill to be entitled an act to repeal all special laws providing for the payment of grand and petit jurors in the county of Baker, which was read the first time.

Mr. Hixon introduced a bill to be entitled an act to change the county line between Taylor and Schley, which was read the first time.

Mr. Jossey introduced a bill to be entitled an act to repeal an act entitled an act to require all promises, acknowledgments and admissions of debts made after the statute of limitations has commenced running, to be reduced to writing, or some note or memorandum thereof made in writing, and subscribed by the person or persons making the same, in order to revive said notes or debts, which was read the first time.

Mr. McDonald introduced a bill to be entitled an act to change the line between the counties of Ware and Clinch, and between Ware and Coffee, which was read the first time.

Mr. Overstreet introduced a bill to be entitled an act to relieve the tax collectors of this State from paying costs on *fi. fas.* issued by them as tax collectors, which was read the first time.

Mr. Slaughter introduced a bill to be entitled an act to repeal a part of the fifth section of the act organizing the Supreme Court, which was read the first time.

Also, a bill to be entitled an act to add certain lots of land in Baker county to the county of Dougherty, which was read the first time.

Also, a bill to be entitled an act to repeal a part of the first section of the third article of the Constitution, which was read the first time.

Mr. Spaulding introduced a bill to be entitled an act to locate the road hands living upon Camber's island and Potosi, upon Rifle cut, which was read the first time.

Mr. Gibson introduced a bill to be entitled an act to confer certain privileges on Independent Mechanics Fire Company in the city of Augusta, which was read the first time.

Mr. Stubbs introduced a bill to be entitled an act to amend the charter of the city of Macon, which was read the first time.

Also, a bill to be entitled an act to incorporate an Insurance Company to be called the Merchants and Mechanics Mutual Insurance Company of the city of Macon, which was read the first time.

Mr. Banks introduced a bill to be entitled an act to compensate the Justices of the Peace of Hall county for returning the poor children, and for other purposes, which was read the first time.

Mr. Ward of Chatham, introduced a bill to be entitled an act to amend an act, to incorporate a town to be called Warsaw, approved, March 5th, 1856; which was read the first time.

Mr. Ward of Butts, introduced a bill to be entitled an act to require the Treasurer of this State, to sign the Coupons of the old six per cent bonds of this State for the whole of the interest as it falls due, or to issue new bonds with all the coupons signed; which was read the first time.

Mr. Whitaker introduced a bill to be entitled an act for the relief of Messrs. Beach and Root of Atlanta, and for other purposes; which was read the first time.

Also, a bill to be entitled an act to add lot No. 6, in the 13th district of Fayette to Fulton, so as to include the residence of John J. Smith, and Samuel D. Smith in Fulton county; which was read the first time.

Mr. Roberts introduced a bill to be entitled an act for the relief of M. Varner, of Cobb county, from the double tax imposed on him for the year 1858, which was read the first time.

On motion of Mr. Harris of Merriwether, the rules were suspended and the joint resolution of the House of Representatives in relation to the introduction of new matter was taken up, read, and concurred in.

On motion of Mr. Cone the rules were further suspended and the following bill of the House of Representatives was taken up and read the first time, to wit:

A bill to be entitled an act authorizing the State Treasurer to make certain advances.

On motion of Mr. Paine, the rules were further suspended for the purpose of offering a resolution.

Mr. Paine offered the following resolution, which was taken up, read and agreed to, to-wit:

Whereas the business of the engrossing department has

accumulated to such an extent that the number of Clerks allowed by law is insufficient to do the work.

*Be it therefore resolved,* That the Secretary be allowed to appoint such additional Clerks as may be necessary, provided that he shall not appoint exceeding six additional Clerks before the first day of December next.

The following message was received from the Governor, by Mr. McComb his Secretary :

*Mr. President:*—I am directed by his Excellency the Governor, to transmit to this branch of the General Assembly a communication in writing, with accompanying report:

On motion of Mr. Cone, the following message from his Excellency the Governor, was taken up and read.

EXECUTIVE DEPARTMENT,  
Milledgeville, Georgia, Nov. 18th, 1858. }

*To the General Assembly :*

I have the honor herewith to transmit the report made to me by the Hon. Nathan L. Hutchins, Judge of the Superior Courts of the Western Circuit, under the 33d section of the 14th division of the Penal Code, and I commend the suggestions contained in the report to the consideration of the Legislature.

JOSEPH E. BROWN.

The Senate took up as the report of the committee of the whole, the following reconsidered bill of the Senate, to-wit :

A bill to be entitled an act to define the liability of drawers of bills of exchange, checks, drafts and orders and to place them upon the footing of joint promissors; and the substitute offered by the committee on the Judiciary therefor.

The substitute of the committee on the Judiciary was not received.

Mr. Stubbs offered the following bill as a substitute for the original, to-wit :

A bill to be entitled an act to authorize plaintiffs to sue acceptors, drawers and endorsers of bills of exchange in the same action and for other purposes, which was received in lieu of the original bill.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to define the liability of the stockholders in banks and other chartered institutions.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to regulate the fees of Tax Collector and Receiver of Richmond county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act, to authorize the jailer of Richmond county, to collect his fees in advance for persons confined in said jail for debt.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act, to authorize guardians, administrators and trustees, residing in the county of Richmond, to invest the funds in their hands as such, in the bonds of the city of Augusta, issued by authority of the City Council of Augusta.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to add the county of Wilcox to the second Congressional district.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize James Byrd, late Tax Collector of Telfair county, to make titles to certain lands sold by him by virtue of *fi. fas.* issued by him as Tax Collector aforesaid.

Mr. Paine moved that the report be referred to the committee on the Judiciary, which was agreed to.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to alter and amend an act, to change the lines between the counties of Cobb and Paulding, so as to include the lot whereon John W. Miller now lives, in Cobb county, assented to, December 22d, 1857.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to extend the corporate limits of the town of Hartwell in Hart county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to provide for the protection of forest trees and other timber in the county of Whitefield and to punish certain offences in violation thereof.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize Robert Adams of Crawford county to peddle without paying for license to do so.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize the justices of the Inferior Court of Haralson county to levy an extra tax for the purpose of extinguishing the debt of the county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to change the county line of Worth so as to add No. 211 in the 6th district of said county to the county of Irwin.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to change the times of holding the Inferior Courts of the county of Baldwin.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act for the relief of Luke Padgett, his heirs and representatives.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to amend an act to incorporate Marshall College in the city of Griffin.

Mr. Jossey offered the following bill as a substitute for the original, to wit:

A bill to be entitled an act to amend an act entitled an act to incorporate Marshall College in the city of Griffin, approved Dec. 5th, 1853, which was received.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize Moses T. Kirkland and A. J. Williams of Miller county to peddle without license.

Mr. Bush moved to amend the report by striking out of the first section of said bill the words "Pataula judicial district" and inserting in lieu thereof the words "county of Miller," which was agreed to.

Mr. Riley of Lumpkin moved further to amend the report by adding the following section to said bill, to wit:

*And be it further enacted,* That the provisions of this act be extended to James Rutherford, a one legged man of Lumpkin county, so far as to peddle in Lumpkin county, which was agreed to.

Mr. Whitaker moved further to amend the report by adding the following as a section to said bill, to wit:

*And be it further enacted,* That the provisions of this act



be extended to Edgefield Brown of Fulton county and Benjamin Chapman of the county of Fayette in the counties of Fulton and Fayette, which was agreed to.

Mr. Neil moved further to amend the report by extending the provisions of the first section of said bill to Seaborn Hutchinson in Columbia county, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to compensate the Grand and Petit Jurors in the county of Emmanuel, and to provide for the payment of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize and require the Justices of the Inferior Court of the county of Cass to levy an extra tax upon the State tax for the purpose of paying the Jury fees of said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to prohibit the sale of intoxicating liquors to minors, and to punish all offenders against the same.

Mr. Dawson moved to amend the report by adding the following proviso to the first section of said bill, to wit:

Provided the person selling said spirituous liquors shall know that the person buying said liquor is a minor. Pending which Mr. Harris of Worth moved to lay the report and amendment on the table for the balance of the session, which was lost.

Mr. Cochran moved to lay the report and amendment on the table for the present, which was lost.

Mr. Thomas moved that the report and amendment be referred to a select committee of five, which was agreed to.

And the chair appointed Messrs. Thomas, Cochran, Harris of Worth, Shropshire and Paine as that committee.

On motion of Mr. Cone Mr. Ward of Butts was added to the committee on the Military.

On motion leave of absence was granted to Messrs. Hill of Harris, Young of Union, Gresham, Slaughter, and Robinson of Laurens.

The hour for adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

## AFTERNOON SESSION, THREE O'CLOCK, P. M.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to compensate the petit jurors of Heard county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to compensate the teachers of night schools for the instruction of poor children connected with manufacturing institutions within the State of Georgia.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives, to-wit:

A bill to be entitled an act to relieve John Green and Rebecca Green, of the county of Bibb, from the pains and penalties of bigamy, or adultery, and for other purposes.

Mr. Harris of Merriwether, moved that the report be referred to the committee on the Judiciary, which was lost.

The report was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to change the lines between the counties of Wilcox and Irwin.

The report was agreed to, the bill was read the third time and passed.

On motion of Mr. Roberts the rules were suspended and the Senate took up as the report of the committee of the whole, a bill to be entitled an act to incorporate a bank in the city of Marietta, to be known as the Marietta Bank.

Mr. Billups moved to amend the report by adding the following section to said bill, to-wit:

*And be it further enacted*, That the debts due by the bank, or the liabilities of the stockholders, shall not be extinguished by the expiration or forfeiture of the charter, which was agreed to

Mr. Adams of Elbert, moved further to amend the report by adding the following section to said bill.

*And be it further enacted*, That the Legislature hereby retains the right to repeal, alter or modify this charter at any time in future when, in the opinion of the General Assembly the interest of the State, or the public good, requires it, which was agreed to.

Mr. Whitaker moved further to amend the report by adding the following section to said bill, to-wit:

*And be it further enacted*, That if this charter should ever be sold directly or indirectly to any non-residents it shall be

a forfeiture of the charter with all the privileges, which was agreed to.

The report as amended was agreed to, the bill was read the third time, and upon the question, shall this bill now pass? Mr. Roberts required the yeas and nays, which being recorded, were yeas 38, nays 49.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Harris of Merriweth-	Riley of Lumpkin,
Akins,	er,	Shropshire,
Arnett,	Hill of Sumter,	Spalding,
Arnold,	Hixon,	Stokes,
Banks,	Johuson of Fayette,	Stowers,
Billups,	Johuson of Pauld-	Stubbs,
Brown,	ing,	Treadwell,
Bryau,	Knox,	Ward,
Carlton,	McGuire,	West,
Cochran,	McRea,	Whiaker,
Colquitt,	Roberts,	Williams of Ber-
Crowder,	Robinson of Lau-	rien,
Edmondson,	rens,	Williams of White,
Fain,	Robinson of Talbot,	Wooten,

Those who voted in the negative are Messrs.

Adams of Rabun,	Gibson,	Riley of Taylor,
Ashley,	Graham,	Smith of Hancock,
Bennett,	Griffin of Twiggs,	Staten,
Bloodworth of Car-	Hart,	Strickland,
roll,	Harris of Walton,	Sripling,
Bloodworth of Pike,	Harris of Worth,	Sutton,
Bozeman,	Hays,	Tate,
Browning,	Holcombe,	Thomas,
Bush,	Jarrard,	Turner,
Castleberry,	Lockheart,	Walker,
Collier,	Mattox,	Warthen,
Darden,	McDonald,	Webb,
Donaldson,	Mounger,	Wilcher,
Drake,	Neal,	Wilcoxson,
Felton,	Overstreet,	Young of Irwin,
Fields,	Quillian,	
Gholston,	Reid,	

So the bill was lost

On motion of Mr. Spalding the rules were suspended and the following bill of the House of Representatives was taken up and read the first time, to-wit:

A bill to be entitled an act to reimburse John H. Howard for the expense incurred by him in the Courts of Alabama and of the United States, in defense of the State line, as described in the compact of 1802.

On motion of Mr. Walker the rules were further suspend-

ed and the following bill of the House of Representatives was taken up, read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act for the relief of Jacob Weaver, Sarah Ann Weaver, (alias) Sarah Ann Calhoun, and for other purposes therein named.

The following bills of the Senate were taken up severally, read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act to prescribe the time for holding the Superior Courts of the Middle Circuit of this State.

Also a bill to be entitled an act to amend an act to incorporate the town of St. Marys, and the several acts amending the same.

Also a bill to be entitled an act to amend an act approved Feb. 19th, 1856, to point out the mode of ascertaining the relief and support of widows or orphans, &c., so as to allow an appeal from the return of the appraisers and the judgment of the Ordinary therein, as in other cases.

Also a bill to be entitled an act authorizing the Justices of the Inferior Court of Pulaski county to levy an extra tax to pay for the erection of a new court house and jail.

Also a bill to be entitled an act to regulate the granting of retail license and sale of spirituous liquors in the county of Clay.

Also a bill to be entitled an act to incorporate the Georgia Grays, and to extend to them certain privileges and exemptions.

Also a bill to be entitled an act to require the Inferior Court of the county of Muscogee to pay expenses necessarily incurred in holding the Superior Court of said county.

Also a bill to be entitled an act in relation to continuances.

Also a bill to be entitled an act to fix and make certain the time of holding the election of Judge of the Superior Courts of the Pataula Circuit.

Also, a bill to be entitled an act to attach the county of Paulding to the Tallapoosa Judicial Circuit and for other purposes, therein mentioned.

Also, a bill to be entitled an act to require the Clerk of the Superior and Inferior Courts of Burke county to settle with the Inferior Court, &c.

Also, a bill to be entitled an act to amend the several acts incorporating the city of Griffin.

Also, a bill to be entitled an act for the relief of Mrs. Mary Jane Warner of the county of Houston, and to relieve her from certain disabilities.

Also, a bill to be entitled an act to incorporate the great Ohoupee Manufacturing Company in Taitnall county, to build a dam across a navigable stream, and for other purposes therein mentioned.

Also, a bill to be entitled an act requiring the trustees of the academy lot, known as the Houston county academy lot, in the town of Perry, to sell said lot, and to appropriate the proceeds as therein specified.

Also, a bill to be entitled an act to incorporate the Kingston Presbyterian Church of Cass county.

Also, a bill to be entitled an act to compel free persons of color to leave the State, and for other purposes.

Also, a bill to be entitled an act to change the time of holding the Superior Courts of the county of Lumpkin, and to authorize the drawing and summoning two pannels of grand jurors, and for other purposes.

Also, a bill to be entitled an act to authorize William R. Manning, administrator with the will annexed, to sell the real estate of Alexander Manning, deceased, at private sale.

Also, a bill to be entitled an act to authorize the Inferior Court of Hart county, to pay over certain money to the Ordinary of said county, for certain purposes therein named.

Also, a bill to be entitled an act to allow the Clerk of the Inferior Court of Stewart county, additional fees for certain services therein specified.

Also, a bill to be entitled an act to prescribe the manner in which precincts may be established, altered or abolished by the Inferior Courts of this State.

Also, a bill to be entitled an act to prescribe an additional penalty for disobedience by the several banks of this State, to the provisions of the act, passed 22d December, 1857, touching annual and semi-annual reports.

Also, a bill to be entitled an act to repeal an act entitled an act to provide for the trial by the Superior Courts of this State, of any slave or slaves or free person of color charged with any capital offence against the laws of this State, approved February 14th, 1850.

Also, a bill to be entitled an act to change the laws of this State, relative to the election of Attorneys and Solicitors, where vacancies occur.

Also, a bill to be entitled an act to authorize Jemima West the widow of Enoch West, late of White county, deceased, to settle said estate.

Also, a bill to be entitled an act to incorporate the town of Thompson, in Columbia county.

The following bills of the Senate were taken up, severally read the second time and referred to the committee on the Judiciary.

A bill to be entitled an act to add an additional section to the tenth division of the Penal Code.

Also, a bill to be entitled an act to authorize plaintiffs to hold to bail in cases sounding in damages without first procuring an order for that purpose.

Also, a bill to be entitled an act amendatory of the acts of

1835, and 1837, as to the protection of free persons of color, and to point out the mode of trying the right of freedom, so as to prohibit the Courts from entertaining such suits where a person of color has been sold for crime in another State, and brought into this as a slave.

Also, a bill to be entitled an act for the more speedy and effectual rendition of fugitives from justice.

Also, a bill to be entitled an act to define the duty of the Clerk of the Superior and Inferior Courts of this State, and to declare the force, effect and validity of the certificate copies from the files in said Courts.

The following bills of the Senate were taken up, severally read the second time, and referred to the committee on new counties, and county lines, to-wit :

A bill to be entitled an act to more correctly define the eastern line of the county of Worth.

Also, a bill to be entitled an act to define the line between the counties of Montgomery and Tattnall, and Emmanuel.

Also, a bill to be entitled an act to alter change and define the line between Early and Clay counties.

Also, a bill to be entitled an act to add a part of Cherokee county to the county of Milton.

The following bill of the Senate was read the second time and referred to the committee on Finance, to-wit :

A bill to be entitled an act for the relief of the estate of Samuel Martin, late of the county of Fayette, deceased.

The following bill of the Senate was taken up, read the second time and referred to the committee on Internal Improvements.

A bill to be entitled an act to incorporate the Lumpkin and Florence Railroad and to define the privileges and liabilities of the same.

The following bill of the Senate was taken up, read the second time and referred to the committee of Physicians.

A bill to be entitled an act to authorize Samuel Irwin, of the county of Henry, to practice Medicine on the Hydropathic system to charge and collect compensation for his services.

The hour for adjournment having arrived, the President adjourned the Senate until half past 9 o'clock to-morrow morning.

FRIDAY, NOVEMBER 19th, 1858

NINE AND A HALF O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Roberts moved to reconsider so much of the Journal of yesterday as relates to the vote by which a bill to be entitled an act to incorporate a bank in the city of Marietta, to be known as the Marietta Bank was lost, which was agreed to.

On motion leave of absence was granted to Messrs. Reid of Taliaferro and Robinson of Talbot for a few days and to Mr. Bozeman for a few days after Saturday next.

Mr. Stubbs from the committee on the Judiciary made the following report.

The committee on the Judiciary have had under consideration,

A bill to be entitled an act to give to rules absolute against officers in this State, a lien upon property and to give officers the control of executions in certain cases.

And recommend that the second section be stricken out and that the bill thus amended do pass.

The committee have also had under consideration.

A bill to be entitled an act to regulate judgments at law, and for other purposes therein specified.

And recommend that the same do not pass.

The committee have also considered.

A bill to be entitled an act to alter and amend the ca. sa. laws of this State.

The committee propose to amend the bill by striking out the second section and by inserting in lieu thereof the following.

And be it further enacted that the provisions of this act shall not extend to persons who are about removing from the State or any county thereof or in cases where it may be necessary to issue a ca. sa. to charge the bail.

And a majority of the committee recommend the passage of the bill as amended.

The committee have also considered,

A bill to be entitled an act to require the Sheriffs in this State, to make return to the clerks of all costs of fieri facias, placed in their hands for execution, and to more clearly prescribe the clerk's duty in such cases and for other purposes.

And recommend that the bill do not pass,

All of which is respectfully submitted.

T. P. STUBBS, Chairman pro. tem.

On motion of Mr. Young of Union, the rules were suspended and the following bill of the House of Representatives

was taken up, read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act authorizing the State Treasurer to make certain advances.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to make uniform the criminal practice in the several Judicial Circuits in this State, and to change the rules of evidence in criminal trials in certain cases, and for other purposes.

The committee on the Judiciary moved to amend the report by striking out the second and third sections of said bill, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to regulate the order in which criminal cases shall be called and disposed of in the Superior Courts of this State, and for other purposes.

The committee on the Judiciary moved to amend the report by inserting in the first section of said bill, after the words "in jail" the words "or may have made demand on the minutes for trial," which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to prescribe the mode of perfecting service and to regulate proceedings in cases of scire facias on non-residents.

The committee on the Judiciary moved to amend the report by inserting in the first section of said bill after word "in" and before the word "bail" the word "all" and after the word "paper" the words "in which the Sheriff's sales of the county are published."

And also to insert in the second section of this bill after the words "scire facias" the words "and the cost of publishing said notice, be taxed in the bill of costs, against said defendants and their bail," which was agreed to.

The report as amended was then agreed to, the bill was read the third the time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to amend the divorce laws of this State.

The report was agreed to, the bill was read the third time and upon the question "shall this bill now pass?" Mr. Strickland required the yeas and nays, which being recorded were yeas 63, nays 34.



Those who voted in the affirmative, are Messrs.

Adams of Elbert,	Fain,	Paine,
Adams of Rabun,	Fields,	Robinson of Lau-
Akins,	Gholston,	rens
Arnett,	Gordon,	Riley of Lumpkin,
Arnold,	Gresham,	Riley of Taylor,
Banks,	Griffin of Calhoun,	Shropshire.
Bartlett,	Griffin of Twiggs,	Smith of Hancock,
Bloodworth of Car-	Guerry,	Stokes,
roll,	Harris of Walton,	Stripling,
Bloodworth of Pike	Harris, of Worth,	Stubbs,
Bozeman,	Hays,	Tate,
Briscoe,	Holcombe	Tison,
Browning,	Johnson of Paulding	Turner,
Bullard,	Jossey,	Ward,
Carlton,	Lockheart,	Warthen,
Castleberry,	Matthews,	Webb,
Colquitt,	McDonald,	West,
Cone,	McDuffie,	Wilcoxson,
Cumbie,	McGuire,	Williams of Berrien,
Darden,	Mounger,	Williams of White,
Donaldson,	Neal,	Young of Union.
Edmondson,	Overstreet,	

Those who voted in the negative, are Messrs.

Ashley,	Hammond,	Roberts,
Bennett,	Harris of Merri-	Shepherd,
Brown,	wether,	Stowers,
Bush,	Jamison,	Strickland,
Cochran,	Jarrard,	Sutton,
Collier,	Knox,	Thomas,
Crowder,	Mattox,	Treadwell,
Dawson,	McRea,	Walker,
Drake,	Pope,	Westbrooks,
Felton,	Price,	Whitaker,
Gibson,	Quillian,	Wooten,
Graham,	Reid,	

So the bill was passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the fees of the Ordinary of Richmond county.

The Committee on the Judiciary moved to amend the report by adding a section to said bill regulating the fees of the Clerk of the Superior Court of Richmond county.

And also, by adding a section to said bill authorizing the Ordinary of Richmond county to appoint a board to examine teachers in certain cases.

And by amending the caption of said bill in accordance therewith, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk;

*Mr. President* :—The House has passed the following bills, to-wit :

A bill to be entitled an act relative to the division of property in the hands of administrators, executors and guardians.

A bill to be entitled an act to change the time of holding the Superior and Inferior Courts of the county of Wayne.

A bill to be entitled an act to alter and amend the 2d, 3d and 4th sections of an act entitled an act completely establishing the line between the counties of McIntosh and Liberty, from the Altamaha river to the mouth of Big Mortar swamp; from there to the north end of Black Beard island, to be established by commissioners therein named, who shall be governed by the law now existing, passed A. D., 1793, assented to Dec. 22d, 1857.

A bill to be entitled an act relative to the issuing of executions.

A bill to be entitled an act to repeal an act to amend the patrol laws of this State, approved February 20th, 1854, so far as relates to the county of Walker.

A bill to be entitled an act for the appointment of auditors in certain cases.

A bill to be entitled an act for the relief of Mariam Chapman of the county of Hall, executrix of the will of George Chapman, deceased, and for other purposes therein named.

A bill to be entitled an act authorizing witnesses residing out of this State to prove the execution of deeds and other instruments in writing, by making oath in writing, under certain provisions herein named.

On motion of Mr. Strickland, the rules were suspended for the purpose of offering a resolution.

Mr. Strickland offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That the President of the Senate do invite the Hon. Hugh Buchanan, a member of this body at the last session, to a seat in the Senate during his stay at the capital.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for ascertaining the rights of aliens, and pointing out a mode for admission of citizens, approved 7th Feb., 1785.

Mr. Young of Union moved that the report be referred to a select committee of three, which was agreed to.

And the chair appointed Messrs. Young of Union, Ward of Butts, and Stubbs as that committee.

Mr. Harris of Worth, from the committee on new counties and county lines, made the following report:

The committee on new counties and county lines report that they have had under consideration,

A bill to be entitled an act to define the line between the counties of Montgomery and Tatnall, and between the counties of Montgomery and Emmanuel, and report the same back to the Senate, and recommend the passage of the bill.

The committee have also considered

A bill to be entitled an act to change the line between Early and Clay counties, and for other purposes, and recommend the passage of the bill.

WM. A. HARRIS, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter the certiorari laws of this State.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the acts in relation to taking cases to the Supreme Court.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the measure of damages in suits by purchasers against vendors of slaves upon breach of warranty of title.

The committee on the judiciary having reported against the passage of said bill, the report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to make void contracts of minors with exceptions therein stated.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to provide for making Sheriffs' titles in certain cases, and for other purposes.

The committee on the judiciary having reported against the passage of said bill, the report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act to incorporate

the town of St. Marys, and the several acts amending the same.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act authorizing the Justices of the Inferior Court of Pulaski county to levy an extra tax to pay for the erection of a new court-house and jail.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter, change and define the line between Early and Clay counties.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the granting of retail license and sale of spirituous liquors in the county of Clay.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Georgia Grays, &c.

Mr. Arnett moved to amend the report by adding the following section to said bill:

*Be it further enacted*, That the provisions of the above bill be fully extended to the Bainbridge Fusiliers, in the county of Decatur, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to require the Inferior Court of the county of Muscogee to pay expenses necessarily incurred in holding the Superior Court of said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to fix and make certain the time of holding the election of Judge of the Superior Courts of the Pataula circuit.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to attach the county of

Paulding to the Tallapoosa Judicial circuit, and for other purposes therein mentioned.

Mr. Wilcoxson moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to require the clerk of the Superior and Inferior Courts of Burk county to settle with the Inferior Court, &c. \*

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to amend the several acts incorporating the city of Griffin.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act for the relief of Mrs Mary Jane Warren of the county of Houston, and to release her from certain disabilities.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act requiring the trustees of the academy lot known as the Houston County Academy lot in the town of Perry to sell said lot and to appropriate the proceeds as therein specified.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to incorporate the Kingston Presbyterian church of Cass county.

The report was agreed to, the bill was read the third time and passed.

Mr. Briscoe from the committee on Enrollment reported as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate,

An act to release John Green and Rebecca Green of the county of Bibb from the pains and penalties of bigamy or adultery, and for other purposes.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to change and fix the time of holding the Superior Courts of the county of Lumpkin, and to authorize the drawing and summoning two panels of Grand Juries, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize Wm. R. Manning, administrator with the will annexed, to sell the real estate of Alexander Manning, deceased, at private sale.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize the Superior Court of Hart county to pay over certain money to the Ordinary of said county for certain purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to allow the clerk of the Inferior Court of Stewart county additional fees for certain services therein specified.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to define the line between the counties of Montgomery and Tattnall, and between the counties of Tattnall and Emmanuel.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize **Jemima West**, the widow of **Enoch West**, late of White county, deceased, to settle said estate.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to incorporate the town of **Thompson** in Columbia county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, a bill to be entitled an act to authorize the executors of the estate of **Robert McAtee**, late of the county of **Gwinnett**, deceased, in this State, to sell certain lands of said deceased at private sale, to make titles to the same, and for other purposes.

**Mr. Paine** offered the following bill as a substitute for the original, to wit:

A bill to be entitled an act to empower and authorize the Ordinaries of the different counties of this State to grant an order to executors and administrators representing estates and guardians representing wards, having wild lands lying and being in different counties, to sell and dispose of the same at private sale whenever the interest of the estate or ward require such sale.

Which was adopted in lieu of the original bill.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives, to wit:

A bill to be entitled an act for the relief of Jacob Weaver, Sarah Ann Weaver, alias Sarah Ann Calhoun, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

Mr. Atkinson moved to suspend the rules for the purpose of introducing a bill, which was agreed to.

Mr. Atkinson introduced a bill to be entitled an act to amend an act entitled an act to carry into effect that part of the first section of the third article of the Constitution which requires the establishment of a Supreme Court for the correction of errors and to organize the same, and to regulate the proceedings therein, approved Dec. 10th, 1845, which was read the first time.

Mr. Thomas in behalf of the committee on the Judiciary, offered the following resolution, which was taken up, read and agreed to, to-wit: •

*Resolved*, That the committee on the Judiciary, the House of Representatives concurring therein, be authorized to act with the same committee of the Senate on the various subjects relating to the Supreme Court, and all bills relating to the same be referred to them for their joint action.

Mr. Strickland from the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, have had under consideration, a bill to be entitled an act, to alter and amend an act, approved 5th March, 1855, entitled an act to alter and amend the 6th section of an act, approved the 11th February, 1851, entitled an act to incorporate the Dalton Copper Mine and Turnpike and Railroad Company, and for other purposes therein contained, and recommend the passage of the bill.

The committee have also considered a bill to be entitled an act authorizing the appointment of a State Geologist, and for other purposes, and recommend that the bill do not pass.

The committee have also, considered the two following bills, which they beg leave to report back to the Senate and recommend in lieu thereof, the passage of a general bill.

A bill to be entitled an act to aid and encourage the construction of the Ellijay Railroad, on certain conditions therein named, &c.; and a bill to be entitled an act to aid and encourage the construction of the Georgia Air Line Railroad on certain conditions therein named.

All of which is respectfully submitted.

H. STRICKLAND, Chm'n pro. tem.

On motion of Mr. Adams of Elbert, the rules were sus-

pended, and the resolution previously offered by himself, in relation to requesting his Excellency the Governor to deliver to James A. Green the papers relating to the military services of Peter Trezevant, were taken up, read and agreed to.

On motion of Mr. Colquitt, the rules were further suspended for the purpose of offering a resolution; which was agreed to.

Mr. Colquitt offered the following resolution, which was taken up, read and agreed to, to-wit:

*Resolved*, That the President appoint a committee of three Senators to tender to the Hon. Henry R. Jackson the courtesy of a seat on the floor of the Senate; and the chair appointed Messrs. Colquitt, Billups and Gibson as that committee.

The following bills of the Senate were taken up, severally read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act to provide for the taking of the Census of the State of Georgia, in pursuance of the requirements of the 25th section of the 1st article of the Constitution of the State of Georgia.

Also, a bill to be entitled an act to amend the several acts now in force in relation to the incorporation of the town of Lafayette, in Walker county.

Also, a bill to be entitled an act, to authorize the Inferior Courts of the counties of Fayette and Madison, to levy an extra tax to pay the grand and petit jurors one dollar per diem for their services as jurors.

Also, a bill to be entitled an act to repeal all special laws providing for the payment of grand and petit jurors in the county of Baker.

Also, a bill to be entitled an act to locate the road hands living upon Chambers Island and Potosi, upon rifle cut.

Also, a bill to be entitled an act to incorporate an insurance company, to be called the Merchants and Mechanics Mutual Insurance Company of the city of Macon.

Also, a bill to be entitled an act for the relief of Messrs. Beech and Root of Atlanta, and for other purposes.

Also, a bill to be entitled an act for the relief of M. Varner of Cobb county, for the double tax imposed on him for the year 1858.

Also, a bill to be entitled an act to amend an act to incorporate a town to be called Warsaw, approved March 5th, 1856.

Also, a bill to be entitled an act to amend the charter of the city of Macon.

Also, a bill to be entitled an act to confer certain privileges on the Independent Mechanic Fire Company in the city of Augusta.



Also, a bill to be entitled an act to relieve Tax Collectors of this State.

Also, a bill to be entitled an act for the relief of John Woodall, late of Jones county, deceased, one of the securities of Felix Woodall, for the delivery of certain books.

Also, a bill to be entitled an act to repeal an act to settle and fix the hours of labor by all white persons under twenty-one years of age, in all Cotton, Woolen and other Manufacturing establishments in this State. and to make all contracts to labor in said factories for a greater length of time than herein prescribed, null and void, and to punish violations of this act, approved February 20th, 1854, so far as the Milledgeville Manufacturing Company is concerned.

Also, a bill to be entitled an act to establish the times of holding the Inferior Courts for the county of Coffee.

Also, a bill to be entitled an act to compensate the Justices of the Peace of Hall county, for returning the poor children, and for other purposes.

The following bills of the Senate were taken up severally, read the second time and referred to the committee on the Judiciary, to-wit :

A bill to be entitled an act to repeal an act entitled an act to require all promises, acknowledgements and admission of debts made after the statute of limitations has commenced running, to be reduced to writing, or some note or memorandum thereof made in writing, and subscribed by the person or persons making the same, in order to revive said notes or debts.

Also a bill to be entitled an act to repeal a part of the fifth section of the act organizing the Supreme Court.

Also a bill to be entitled an act to require the Treasurer of this State to sign coupons of the old six per cent. bonds of this State for the whole of the interest as it falls due, or to issue new bonds with all the coupons signed.

Also a bill to be entitled an act to prohibit the forfeiture of defendants' bonds in criminal cases under the degree of felony, when the defendants are sick, and to make sickness a cause of continuance in such cases.

Also a bill to be entitled an act to render more certain the legal construction of wills, deeds, or other instruments, in this State.

Also a bill to be entitled an act to regulate the agencies of Insurance Companies not incorporated by the State of Georgia.

The following bills of the Senate were taken up severally, read the second time and referred to the committee on new counties and county lines, to-wit :

A bill to be entitled an act to add certain lots of land in Baker county to the county of Dougherty.

Also a bill to be entitled an act to change the line between

the counties of Ware and Clinch, and between Ware and Coffee.

Also a bill to be entitled an act to change the line between the counties of Fayette and Campbell.

Also a bill to be entitled an act to change the county line between Taylor and Schley.

Also a bill to be entitled an act to add a part of the county of Gilmer to the county of Fannin, and for other purposes herein mentioned.

Also a bill to be entitled an act to add lot No. 6, in the 19th dist. of Fayette to Fulton, so as to include the residence of John J. Smith and Saml. C. Smith.

The following bills of the Senate were taken up severally, read the second time and referred to the committee on Banks, to-wit:

A bill to be entitled an act to incorporate a bank to be called the Planters Bank, in the county of Decatur.

Also a bill to be entitled an act to compel banks and agencies, whether foreign or domestic, in this State, to pay a county tax.

The following bill of the Senate was taken up, read the second time and referred to the committee on Amendments to the Constitution, to-wit:

A bill to be entitled an act to repeal a part of the first section of the third article of the Constitution.

The following bill of the Senate was taken up, read the second time and referred to the committee on Internal Improvement, to-wit:

A bill to be entitled an act to encourage the system of Internal Improvement, in this State.

Mr. Cone moved that when the Senate adjourns it shall adjourn until 9½ o'clock to-morrow morning, which was agreed to.

The following bills of the House of Representatives were taken up severally, read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act for the relief of Maria Leary, formerly Maria Small, of the county of Houston.

Also a bill to be entitled an act to authorize Ordinaries of this State to issue fi. fas. generally

Also, a bill to be entitled an act to remove and prevent obstruction in, and keep open, one-third of the main channel of the Chattahoochee river, from the line of Florida to the mouth of the Chestatee river.

Also, a bill to be entitled an act to incorporate Butler Lodge No. 211, free and accepted Masons, at Mill Town, Berrien county, Georgia.

Also, a bill to be entitled an act for the relief of John M. Willhite, of the county of Jackson.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Georgia Air Line Railroad Company, and to confer on them certain powers and privileges therein mentioned, approved March 5th, 1856.

Also, a bill to be entitled an act for the relief of Mrs. Ann S. Finn, of the county of Richmond.

Also, a bill to be entitled an act to make the receivers of tax returns in the several counties of this State hereafter to be elected, assessors of taxes in certain cases herein named, and for other purposes.

A bill to be entitled an act to change the line between the counties of Gilmer and Pickens, so as to include lots of land Nos. 139, 140 and 114 in the 12th district of the 2d section, whereon D. S. McCrary and Levy McCrary now lives in Gilmer county, be added to the county of Pickens.

Also, a bill to be entitled an act to repeal an act entitled an act to authorize overseers of roads for Walker, Gwinnett, Forsyth, Cobb, Cherokee, Bibb, Sumter and Gilmer counties to appoint warners, and define their duties, approved December 11th, 1841, so far as relates to the county of Cherokee.

Also, a bill to be entitled an act to incorporate Kimbrough Lodge No. 118.

Also, a bill to be entitled an act for the support of the pupils of the Georgia Academy for the Blind.

A bill to be entitled an act to authorize the Inferior Court of Washington county to levy and collect an extra tax for the building of a jail in said county, and for other purposes.

Also, a bill to be entitled an act for the relief of David Edwin W. Irwin of the county of Chatham, of James Smith of the county of Clay, of Frances Frith of the county of Randolph, of Henry Bronson of the county of McIntosh, of Polly Ann Merryman of the county of Miller.

Also, a bill to be entitled an act to authorize collection of interest on open accounts, from the time they may be determined by a jury to be due.

Also, a bill to be entitled an act to amend an act to alter and amend the charter of the city of Columbus.

Also, a bill to be entitled an act to compel Judges of the Superior Courts of each circuit in the State, to hold adjourned terms in every county within their circuits, where the business requires, until the docket is cleared, and for other purposes.

Also, a bill to be entitled an act to repeal the 3d and 4th sections of an act entitled an act to amend an act to incorporate the town of Lumpkin in Stewart county, assented to Dec. 26th, 1831, approved Jan. 17th, 1850, and prescribe the duty of the road commissioners.

Also, a bill to be entitled an act to amend an act entitled an act to authorize and require the trustees of Trenton Acad-

eny to sell the same, together with the lot of land upon which it is located.

Also, a bill to be entitled an act to consolidate the offices of clerk of the Superior and Inferior Courts of the county of Schell.

Also, a bill to be entitled an act to authorize the Justices of the Peace of the county of Gordon, in and for the 849th district, Georgia militia, also of the county of Walton, in and for the 417th district, Georgia militia, to hold their Courts two days in certain cases.

Also, a bill to be entitled an act to make valid and binding the subscription heretofore made by the Mayor and Council of the city of Columbus, to the stock of the Mobile and Girard Railroad Company, &c.

Also, a bill to be entitled an act to authorize A. J. Williamson, executor of John Williamson, late of Emmanuel county, deceased, to sell the real estate of said deceased at private sale.

Also, a bill to be entitled an act for the relief of William Stanfill of the county of Lowndes.

Also, a bill to be entitled an act to change and establish the line between the counties of Jefferson and Emmanuel.

Also, a bill to be entitled an act for the relief of Mrs. Annie T. Carroll, wife of Robert Carroll, of Fulton county.

Also, a bill to be entitled an act to repeal a part of an act to change the county lines between the counties of Cass and Gordon, and Gordon and Murray, and other counties therein named, approved March 6th, 1856.

Also, a bill to be entitled an act to authorize and empower John W. Reid, administrator on the estate of Samuel B. Daniel, late of Greene county, deceased, to vest any surplus fund in his hands, arising from the sale of crops under limitations and restrictions herein set forth.

Also, a bill to be entitled an act to amend an act, assented to, December 22d, 1857, entitled an act to amend an act to exempt from levy and sale, under execution, certain property therein mentioned, assented to December 11th, 1841.

Also, a bill to be entitled an act to amend the charter of the town of Calhoun, so as to give the town Council of said town the power to impose a corporation tax on all retailers of spiritous liquors within the corporate limits of said town.

Also, a bill to be entitled an act to incorporate the Hudson Lodge No. 208, Free and Accepted Masons, situated at Glade cross roads, Putnam county.

Also, a bill to be entitled an act to amend an act, to protect the estate of orphans, and to make permanent provisions for the poor, approved December 18th, A. D. 1792.

Also, a bill to be entitled an act to make Martha A. Cook of the county of Thomas, the adopted heir of Syntha Butke, and for other purposes.

Also a bill to be entitled an act to authorize and require the Justices of the Inferior Court of the county of Forsyth to sell the old academy and lands belonging to the same in the town of Cumming, and apply the proceeds of the same as a poor school fund.

Also a bill to be entitled an act to lay off and organize a new county out of the counties of Washington, Emmanuel, and Laurens, to be called Johnson county, to attach the same to the middle Judicial District, to the first Congressional District, and to the second brigade and first division of Georgia Militia, and for other purposes.

Also a bill to be entitled an act to change the time of holding the Inferior Courts of the county of Appling.

Also, a bill to be entitled an act for the relief of William M. Reese, administrator of Toliver Jones, dec'd.

Also, a bill to be entitled an act to reduce the official bond of the Sheriff hereafter to be elected in the counties of McIntosh and Schley, from the sum of twenty thousand dollars to the sum of ten thousand dollars.

Also a bill to be entitled an act to alter and amend the first section of an act to alter and amend the road laws of this State, approved December 19th, 1818, as far as relates to the appointment of commissioners for the county of Gordon, and to define the time for which said commissioners shall be appointed, and for other purposes.

Also a bill to be entitled an act to amend an act assented to 23d February, 1850, establishing a Justices Court at Holmesville, in Appling county.

Also a bill to be entitled an act to alter and amend the third section of an act to alter and amend the road laws of this State, approved December 19th, 1858, in relation to the warning hands by the overseers, and to authorize the overseers to warn one day before the working of the roads.

Also, a bill to be entitled an act to fix the time of holding Inferior Courts in the counties of Charlton and Gordon.

Also a bill to be entitled an act to authorize the Justices of the Inferior Court of Decatur county to appoint commissioners to lay off said county into school districts and to apportion the poor school fund to each district.

Also a bill to be entitled an act to consolidate the offices of tax receiver and collector, of Pierce county.

Also, a bill to be entitled an act to change the time of holding the Inferior Court of Ware county.

A bill to be entitled an act to reimburse John H. Howard for the expense incurred by him in the Courts of Alabama and of the United States, in defense of the State line as described in the compact of 1802.

Also a bill to be entitled an act to incorporate Altamaha Lodge number two hundred and twenty-seven (227) of free and accepted masons of the county of McIntosh.

Also, a bill to be entitled an act to authorize guardians to act as administrators in certain cases, &c.

Also, a bill to be entitled an act to incorporate the Delta Lodge, No. 148, of Free and Accepted Masons of the county of Franklin.

Also, a bill to be entitled an act to establish a Board of Education in the county of Lincoln, and to confer certain specified powers upon them. Also to declare what teachers shall be entitled to draw upon the poor school fund of said county.

Also a bill to be entitled an act to amend the charter of the town of Monticello, in the county of Jasper, so as to give the election of Marshal of said town to the legal voters of said town.

Also a bill to be entitled an act to consolidate the offices of tax collector and tax receiver of the county of Dawson.

Also, a bill to be entitled an act to amend the third section of an act entitled an act to prescribe the manner in which the names of persons may be changed and born illegitimates may be made legitimate, and to carry into effect the provisions of the Constitution upon the subject; also to prescribe the manner in which children may be adopted, approved March 6th, 1856.

Also, a bill to be entitled an act for the relief of Melissa A. H. Booker of the county of Gordon.

Also, a bill to be entitled an act authorizing Martha B. Banks, admidistratrix, and Joseph H. Banks, administrator of Richard Banks, deceased, to sell certain lands at private sale.

Also, a bill to be entitled an act to provide for the compensation of Grand and Petit Jurors of Dawson county in the Superior and Inferior Courts of said county, and to provide for the payment of the same.

Also, a bill to be entitled an act to incorporate the Penfield Railroad company.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Atlanta Medical College, and for other purposes therein mentioned.

Also, a bill to be entitled an act to authorize the Inferior Court of Hancock county to levy an extra tax for the purpose of establishing quarters for the poor of said county, and for other purposes.

Also, a bill to be entitled an act to abolish the public execution of criminals condemned to death by the laws of Georgia, and to provide for their execution in private.

Also, a bill to be entitled an act to incorporate Gaulding Lodge number two hundred and fifteen of free and accepted Masons of Fayette county.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of the several counties in this State up-

on the recommendation of the Grand Juries thereof to assess and collect a tax for the payment of Grand and Petit Jurors and at their pleasure to discontinue and again re-assess the same upon said recommendation.

Also a bill to be entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards in the town of Newnan, Coweta county, and other purposes therein mentioned.

Also, a bill to be entitled an act to legalize the proceedings of the Superior Court of Taliaferro county.

Also, a bill to be entitled an act for the relief of Alexander Teague of the county of Union.

Also, a bill to be entitled an act to change the times of holding the Inferior Courts in the county of Forsyth.

Also, a bill to be entitled an act to incorporate the trustees of the Mud Creek Baptist Camp Ground, and to confer certain privileges to said trustees.

Also, a bill to be entitled an act to amend an act to amend the several acts in relation to the assignment of dower, assented to Feb. 21st, 1850.

Also, a bill to be entitled an act to declare the true intent and meaning of an act entitled an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801; and an act entitled an act supplementary to and more effectually to enforce an act prescribing the mode of manumitting slaves in this State, approved December 19th, 1818.

Also, a bill to be entitled an act to amend an act entitled an act in relation to the public records of counties where they have been destroyed by fire, &c., approved March 5th, 1856.

Also, a bill to be entitled an act to straighten, define and mark a part of the county line between the counties of Green and Oglethorpe, and to provide for the running of the same.

Also, a bill to be entitled an act to authorize Russell Jones of the county of Union, guardian of the minors of James Thomas, to sell the negroes of said trust estate in the county of Walton, and for other purposes.

Also, a bill to be entitled an act to authorize coroners to appoint deputies.

Also a bill to be entitled an act to consolidate the offices of the clerks of the Superior and Inferior Courts of the county of Glascock.

Also a bill to be entitled an act to allow Sarah Bryan, wife of John W. Bryan of Lee county, to act as a feme sole and protect all her property against her husband's debts.

The following bills of the House of Representatives were taken up, and severally read the second time to-wit:

A bill to be entitled an act to repeal an act entitled an act to provide for the trial by the Superior Courts of this State of

any slave or free persons of color charged with any capital offence against the law of this State, approved February the 14th, 1850.

Also a bill to be entitled an act for the relief of Marieum Chapman of the county of Hall, executrix of the will of George Chapman deceased, and for other purposes therein named.

Also a bill to be entitled an act for the appointment of auditors in certain cases.

Also a bill to be entitled an act relative to the issuing of executions.

Also a bill to be entitled an act to extend the writ of certiorari to possessory warrants.

Also a bill to be entitled an act to alter and amend the 2d, 3d, and 4th sections of an act entitled an act completely establishing the line between the counties of McIntosh and Liberty, from the Altamaha river to the mouth of Big Mortar Swamp, from there to the mouth end of Black Bird Island to be established by commissioners therein named, who shall be governed by the law now existing, passed A. D. 1793, assented to Dec 22d, 1857.

Also a bill to be entitled an act relative to the division of property in the hands of administrators, executors and guardians.

Also a bill to be entitled an act authorizing witnesses residing out of this State to prove the execution of deeds, and other instruments in writing by making oath in writing under certain provisions herein named.

Also a bill to be entitled an act to change the time of holding the Superior and Inferior Courts of the county of Wayne.

Also a bill to be entitled an act to repeal an act entitled an act to amend the patrol laws of this State, approved February 20th, 1854, so far as relates to the county of Walker.

On motion of Mr. Bloodworth of Carroll, the rules were suspended and the resolution previously offered by Mr. Browning in relation to the printing for the use of the Senate, additional copies of the Comptrollers General's Report was taken up and read.

Mr. Bloodworth of Carroll, moved to amend the same by striking out the words "three hundred" and inserting in lieu thereof the words "one thousand" which was agreed to.

The resolution as amended was then agreed to.

On motion of Mr. Gresham the Senate then adjourned until 9½ o'clock to-morrow morning.



*SATURDAY, NOVEMBER 20th, 1858.*

NINE AND A HALF O'CLOCK, A. M.

The Senate met according to adjournment.

On motion leave of absence was granted to Mr. Wilcher, for a few days after to-day.

And to Messrs. Mathews, McDuffie and Briscoe for to-day.

Mr. Cone from the committee on Military affairs made the following report.

The Committee on Military affairs to whom was referred the resolutions in relation to the claim of Peter Trezevant for Military services, have had the same under consideration and propose to amend the same by filling up the blank in the 2d resolution, with "twenty-five" before "per cent" and with this amendment, unanimously recommend the passage of the resolutions.

PETER CONE, Chairman.

On motion of Mr. Cone the rules were suspended, and the resolutions in relation to the claim of Peter Trezevant for Military services, were taken up and read.

The Committee on Military affairs moved to amend the same by filling up the blank in the second resolution, with the words "twenty-five" before "per cent," which was agreed to.

And the resolutions as amended were then agreed to.

On motion of Mr. Whitaker the rules were suspended, and the Senate took up as the report of the committee of the whole the following bill of the House of Representatives to-wit:

A bill to be entitled an act authorizing the State Treasurer to make certain advances.

Mr. Whitaker moved to amend the report by adding the following section to said bill, to-wit:

And be it further enacted that the Governor be hereby authorized and empowered to draw his warrant upon the Treasurer for the sum of five thousand dollars in favor of the State printer, as an advance for the printing of the laws and journals of the present session of the Legislature, if in his judgment it will not conflict with the public interest.

Upon which Mr. Cone raised a point of order.

And the President of the Senate decided that the bill having originated in the House of Representatives the amendment was in order.

The motion to amend the report was agreed to.

The report was agreed to, the bill was read the third time and passed.

Mr. Adams of Rabun introduced a bill to be entitled an act to amend an act entitled an act to incorporate the Moccasin Turnpike in the county of Rabun, approved March 3d, 1856, and to grant certain privileges to the same, which was read the first time.

Mr. Arnold offered the following resolution to-wit:

*Resolved*, That both branches of the Legislature adjourn sine die on Friday the tenth day of December.

Mr. Browning introduced a bill to be entitled an act to incorporate the Methodist Episcopal Church at Prospect in the county of Thomas, which was read the first time.

Also a bill to be entitled an act to incorporate an Academy in the county of Thomas, and to appoint Trustees for the same, which was read the first time.

Mr. Bush introduced a bill to be entitled an act to prevent non-residents of the county of Miller from camp hunting and for other purposes therein named, which was read the first time.

Mr. Fields introduced a bill to be entitled an act to incorporate the town of Alpharetta in the county of Milton, and to appoint commissioners for the same, and for other purposes, which was read the first time.

Mr. Gholston introduced a bill to be entitled an act to authorize the Inferior Court of the county of Madison, to sell the academy building and real estate of said academy, and to collect the funds of the same, and when collected to be applied to the education of the poor children of said county, which was read the first time.

Mr. Gibson introduced a bill to be entitled an act to prohibit the sale or furnishing of lottery tickets to slaves and free persons of color, and to punish those who are guilty of a violation of this act, and for other purposes therein mentioned, which was read the first time.

Also a bill to be entitled an act to authorize the vesting of the administration of certain estates in the Clerk of the Superior Court, to compel him to accept such administration, and for other purposes, which was read the first time.

Mr. Gordon introduced a bill to be entitled an act to create a new Judicial Circuit, and to provide for the appointment and election of a Judge and Solicitor General for the same, and to fix the time for holding the Courts of the same, which was read the first time.

Mr. Graham introduced a bill to be entitled an act to authorize Justices of the Inferior Court for the county of Dawson to levy an extra tax for the year 1859, which was read the first time.

Mr. Griffin of Calhoun, introduced a bill to be entitled an act to allow teachers of poor children in Calhoun county to charge in their accounts for tuition, for all books furnished

said children, and to require the Ordinary to pay said accounts, which was read the first time.

Mr. Harris of Walton, introduced a bill to be entitled an act amendatory of an act to make permanent the site of the public buildings of the county of Walton, at Monroe, and to incorporate the same, assented to 30th Nov., 1821, which was read the first time.

The following message was received from the House of Representatives by Mr. Shropshire their Clerk :

*Mr. President :* The House has passed the following bills, to-wit :

A bill to be entitled an act to lay off the county of Pickens into school districts, provide for the election of Treasurer, and for other purposes therein contained.

A bill to be entitled an act to compensate certain persons therein named.

A bill to be entitled an act to incorporate the Scott Mining Company, of Cherokee county

A bill to be entitled an act to appropriate money for the compensation of G. W. Anderson and others, for the apprehension of the murderers of Samuel Landrum.

A bill to be entitled an act to empower the grand jurors of the county of Appling to designate the children entitled to the benefits of the poor school fund, and for other purposes,

A bill to be entitled an act to allow compensation for the consolidated index of plats to colonial and head right grants in the Surveyor General's office.

A bill to be entitled an act to authorize Duke Hamil, of Clark county, an infirm man, to peddle and vend goods, wares, and merchandize, in the counties of the Western Judicial Circuit without a license for that purpose, as now required by law.

A bill to be entitled an act to authorize and permit Benjamin M. Bigby to marry again and protect him in so doing from the pains and penalties of bigamy.

A bill to be entitled an act to appropriate the sum of two hundred and forty dollars to the Inferior Court of Dade county.

A bill to be entitled an act to allow tax collectors in Decatur county their commissions on insolvent executions.

A bill to be entitled an act to amend an act entitled an act to authorize the trustees of Glynn county academy to lease or sell the academy building and estate of said academy, and to protect the property and collect the funds of the same, and for other purposes therein named.

A bill to be entitled an act to consolidate the offices of tax collector and receiver of tax returns of the county of Haralson.

A bill to be entitled an act to incorporate the trustees of Bigham Camp Ground, in Harris county.

A bill to be entitled an act to compensate the sheriffs of Jefferson county.

A bill to be entitled an act to prevent the sale of spirituous liquors from one to five gallons in the county of Stewart, only on condition therein named.

A bill to be entitled an act to authorize the Georgia Railroad and Banking Co. to build a branch road to the town of Eatonton, in Putnam county, and for other purposes.

A bill to be entitled an act to allow John Cuily, a blind man, to peddle in the county of Walton without paying license, and allow William Douglas, of the county of Appling, the same privilege in the counties of Appling and Coffee.

A bill to be entitled an act to authorize Joseph Davis, senior, of the county of Wilcox, to peddle in the counties of Wilcox, Dooly, Irwin and Pulaski, without paying taxes or obtaining license, and also entitle Benjamin Thrower, of the county of Fulton, to same privileges.

A bill to be entitled an act to make Justices of the Peace in the several militia districts of Marion county, commissioners of roads and patrols in their respective districts, and to repeal an act to amend the patrol laws of this State, approved February the 20th, 1854, so far as relates to Marion county.

A bill to be entitled an act to alter and amend the fiftieth section of the fourteenth division of the penal code.

A bill to be entitled an act to provide for the better regulation of the town of Crawfordville, as to eating tables kept by negroes, either free or slave, and for other purposes.

Mr. Knox introduced a bill to be entitled an act to require the Judges of the Inferior Court of Franklin county to appoint a board of commissioners, &c., which was read the first time.

Also a bill to be entitled an act to lay out and organize a new county from the counties of Franklin and Habersham, and to provide for the organization of the same, which was read the first time.

Mr. Matthews introduced a bill to be entitled an act to prevent the escheat of the property of Curtis G. Gray, late of Houston county deceased, and to carry out the intentions of said Gray as to his estate, which was read the first time.

Mr. Hill of Sumter, introduced a bill to be entitled an act for the relief of Mrs. E. F. Cooper, of Sumter county, and her husband's securities, which was read the first time.

Mr. Neal introduced a bill to be entitled an act for the relief of Benjamin F. Reese, Guardian for Gourveneur H. Embra, a minor, and to authorize said guardian to purchase a farm for the benefit of said minor's estate, which was read the first time.

Mr. Price introduced a bill to be entitled an act for the relief of Abner G. Sims, Joel C. Roper and Christopher L. Old,

securities on bond of said Sims, which was read the first time.

Mr. Riley of Lumpkin, introduced a bill to be entitled an act to authorize John Russell of the county of Lumpkin, to practice Medicine in said county, and to charge and collect for the same; which was read the first time.

Mr. Staten introduced a bill to be entitled an act to lay out and organize a new county from the counties of Lowndes and Clinch; which was read the first time.

Mr. Stubbs offered the following resolution, which was taken up, read and agreed to :

*Resolved*, That the President of the Senate be requested to invite the Hon. Eli Warren, formerly a member of this body, to a seat on the floor, during his stay in this city.

Mr. Treadwell introduced a bill to be entitled an act to change the name of the Planter and Mechanics Bank of Dalton, Georgia, to that of the Bank of Whitfield; which was read the first time.

Mr. Cone from the committee on amendments to the Constitution, made the following report :

The committee on amendments to the Constitution, have considered,

A bill to be entitled an act to repeal a part of the first section of the 3d article of the Constitution; and recommend that the bill do pass.

PETER CONE, Chm'n pro. tem.

Mr. Smith of Hancock, introduced a bill to be entitled an act to make the Governor of the State, and in his absence, the oldest member of the board of trustees, who may be present, President of said board; which was read the first time.

Mr. Walker introduced a bill to be entitled an act to authorize the Justices of the Inferior Court of Crawford county, to levy and collect an extra tax for the purpose of building a jail in said county; which was read the first time.

Mr. Westbrook introduced a bill to be entitled an act to authorize and require the Treasurer to sign certain Coupons, &c.; which was read the first time.

Mr. Whitaker introduced a bill to be entitled an act to divorce James Holbrook from his wife Ann Holbrook; which was read the first time.

Mr. Wilcher introduced a bill to be entitled an act to authorize and permit Wiley G. Davis of the county of Glasscock, to practice Dentistry and collect for the same, without being compelled to pay tax on said profession; which was read the first time.

Mr. Bryan introduced a bill to be entitled an act to authorize the Justices of the Inferior Courts of the counties of Wayne, Appling and Pierce, to appoint surveyors to define

and mark the lines between said counties; which was read the first time.

The following message was received from the Governor through Mr. McCombs, his Secretary:

*Mr. President:* I am directed by His Excellency the Governor to transmit to this branch of the General Assembly, a communication in writing.

On motion of Mr. Colquitt, the following message from His Excellency the Governor was taken up and read.

EXECUTIVE DEPARTMENT,  
Milledgeville, Nov. 20th, 1858. }

*To the General Assembly:*

I have received from His Excellency, Tandy Walker, Governor of the Choctaw Nation of Indians a copy of the Laws of that Nation. I am informed by His Excellency that he very much desires for the Library of the Choctaw Nation, a copy of the Digests of the Laws of this State, together with a copy of the decisions of our Supreme Court. He states that the Choctaws are making considerable advances in learning, and in the arts of civilized life. And while he acknowledges that the donation which he has made to the Library of Georgia, is much inferior in value to the donation which he asks for the Library of his Nation, he appeals to the magnanimity of a great State, and trusts that the difference in value will not prevent the exchange. Believing that we should encourage these people in their efforts to attain a higher degree of civilization, I respectfully recommend the passage of a joint resolution authorizing the Governor to supply, at the expense of the State, the books asked by Governor Walker, and to exchange with the Choctaw Nation in future, the acts and decisions of the Supreme Court of our State, for the acts passed by the Choctaw Legislature.

JOSEPH E. BROWN.

The Senate took up as the special order of the day, the report of the committee of the whole, on

• A bill to be entitled an act to alter the 11th section of the Constitution of this State.

Mr. Guerry moved that the further consideration of the report be postponed for the present and made the special order for Tuesday next; which was agreed to.

The following message was received from the House of Representatives by Mr. Shropshire their Clerk:

*Mr. President:* I am directed to inform the Senate that the House has concurred in the amendment of the Senate, to the bill of the House authorizing the State Treasurer to make certain advances.

The following message was received from the Governor, by Mr. McComb his Secretary :

*Mr. President:*—I am directed by his Excellency the Governor, to deliver to the Senate a communication in writing, with the accompanying documents.

On motion of Mr. Cone, the following message, from his Excellency the Governor, was taken up and read.

EXECUTIVE DEPARTMENT,  
Milledgeville, Nov. 20th, 1858. }

*To the Senate :*

In compliance with the request contained in the resolution of the Senate of the 18th instant, I herewith transmit the last semi-annual returns made to this department by the several banks in this State, together with the affidavits of the officers making said returns. Giving to these returns a construction the most liberal and favorable to the banks, I have to state that, in my opinion, the following named banks "have failed to comply with the act passed 22d December, 1857, in relation to banks," to-wit:

The Bank of the State of Georgia.  
The Planters Bank of the State of Georgia.  
The Cherokee Insurance and Banking Company.  
The LaGrange Bank.  
The Bank of Commerce.  
The Merchants and Planters Bank.  
The Mechanics Savings Bank.  
The Augusta Insurance and Banking Company.  
The Marine Bank of Georgia.  
The Bank of Columbus.  
The Bank of Middle Georgia.  
The Bank of the Empire State.  
The Union Bank, (at Augusta.)  
The City Bank, do.  
The Bank of Greensboro.  
The Timber Cutter's Bank.  
The Mechanic's Bank.  
The Commercial Bank of Brunswick.  
The Planters and Mechanics Bank, (Dalton,) and the  
Exchange Bank of the State of Georgia.

No returns of any character were received from either of the three last mentioned banks, in obedience to the last call made upon them.

JOSEPH E. BROWN.

On motion of Mr. Cone the foregoing message from his Excellency the Governor, with the accompanying documents was referred to the committee on Banks.

Mr. Harris of Worth from the committee on New Counties and County Lines, made the following report :

The committee on New Counties and County Lines have had under consideration

A bill to lay out a new county out of the counties of Washington, Emmanuel and Laurens, to be called Johnson.

And report that the new county proposed to be created, in the opinion of the committee is from 25 to 30 miles across either way—that it contains over five hundred square miles, between three thousand and five thousand representative population, about four or five hundred voters—will pay two thousand dollars State tax, and will leave the counties from which it is to be formed in good shape and size, containing at least one thousand square miles each, and proportionate wealth and population.

And therefore the committee unanimously recommend the passage of the bill.

W. A. HARRIS, Chairman.

Mr. Paine, from the committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate,

An act to be entitled an act authorizing the State Treasurer to make certain advances.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate a town to be called Warsaw, approved March 5th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the charter of the city of Macon.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate an insurance company to be called the Merchant's and Mechanic's Mutual Insurance company of the city of Macon.

The report was agreed to, the bill was read the third time and passed.

On motion of Mr. Harris of Worth, the Senate then adjourned until half past 9 o'clock on Monday morning next.



MONDAY, NOVEMBER 22d, 1858.

NINE AND HALF O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Hart moved to suspend the rules for the purpose of offering a resolution, which was agreed to:

Mr. Hart offered the following resolution, which was taken up, read, and agreed to, to wit:

*Resolved.* That the Senate appoint a committee of three to unite with the committee from the House and select some clergyman, with the request that he deliver a discourse on Thursday next—thanksgiving day, in the Representative Hall, to the General Assembly.

In pursuance of which the President of the Senate appointed Messrs. Hart, Wilcoxson and Mathews as that committee.

Mr. Stubbs, from the committee on the Judiciary, made the following report:

The committee have considered

A bill of the House of Representatives to be entitled an act to reimburse John H. Howard for the expense incurred by him in the Court of Alabama and of the United States in defence of the State line as described in the compact of 1802.

And recommend the passage of the same.

The committee have also considered

A bill to be entitled an act to render more certain the legal construction of wills, deeds, or other instruments in this State.

And recommend that the same do not pass.

The committee have also considered

A bill to be entitled an act to repeal an act entitled an act to require all promises, acknowledgments and admissions of debts made after the statute of limitations has commenced running to be reduced to writing, or some note or memorandum thereof made in writing and subscribed by the person or persons making the same in order to revive said notes or debts.

And recommend that the same do not pass.

T. P. STUBBS, Chairman.

On motion of Mr. Strickland the rules were suspended for the purpose of introducing a bill, which was agreed to.

Mr. Strickland, from the sub-committee on Internal Improvement, introduced a bill to be entitled an act to loan the credit of the State of Georgia to certain Railroad companies of this State, and for other purposes, which was read the first time.

Mr. Cochran moved that 200 copies of the same be printed for the use of the Senate, which was agreed to.

Mr. Ward of Butts moved that 200 copies of the bill introduced by Mr. Gordon upon the same subject also be printed for the use of the Senate, the lines to be numbered, which was agreed to.

On motion of Mr. Roberts the rules were suspended for the purpose of introducing a bill, which was agreed to.

Mr. Roberts introduced a bill to be entitled an act to alter and change the mode of electing the Marshal in the city of Marietta, Cobb county, which was read the first time.

Mr. Paine, from a select committee, made the following majority report:

The majority of the select committee to whom was referred

A bill to be entitled an act to prohibit the sale of intoxicating liquors to minors, and to punish all offenders against the same, have had the same under consideration and beg leave to report against the passage of the same upon the simple ground that we are opposed to legislating upon the subject, fearing that the bill will have a bad effect instead of a good one, and not answer the purpose intended thereby.

W. W. PAINE.,  
WM. A. HARRIS,  
R. J. COCHRAN. }

And Mr. Shropshire, from the same committee, made the following minority report:

The minority of the committee to whom was referred the bill to prohibit the sale of intoxicating liquors respectfully report.

They, as husbands and fathers, entertain the opinion that while they are bound by law to maintain their children, the corresponding right which the same law gives them to enforce obedience to all reasonable and lawful commands should not *by any one* be infringed. And as the law now stands, the keeper of a tippling-shop may at his pleasure, furnish a minor with intoxicating liquors even against the expressed wish of the parent, it is no reply to say that this will rarely be done. It has been done, and may be repeated, probably will be repeated and with flattering words to the misguided youth that his parent is too exacting, and putting unnecessary and improper or unwarrantable restraints upon his child. The child is too ready to believe that which so readily accords with his own notions of what is due to *young America*; and parental authority and discipline are thus weakened and destroyed, and the hope and pride of the household become in time a sot and a blackleg.

This is no fancy sketch. The youth of wealthy parents, or orphan children who have a fortune in expectancy, is often an object of speculation, and if he can be encouraged to think freely, other vices are almost sure to follow, and the young

gentleman is petted and flattered as long as he is liberal with his money.

Your committee have great confidence in moral suasion, but more stringent measures may sometimes become not only proper but necessary, and do most respectfully submit that this great commonwealth ought to afford them as well as all parents and guardians in the land the protection of the laws to enable them to coerce obedience to all lawful commands.

And why should not this bill pass?

If a malicious disposed person injures your horse there is a penal statute to which he is amenable; besides a right of action to redress the wrong in damages.

If one furnishes your slave with spirituous liquors the law very justly considers it a high crime, and provides the punishment, and we apprehend the opponents of this bill would not, if they could, alter the law in that respect. An enlightened public opinion has vindicated and sanctioned the wisdom and good policy of this salutary statute. Is a horse or a menial slave more entitled to the consideration and protection of the law than a son, around whom cluster the hopes, the affections and the love of the household? Or is it supposed that the scriptural adage, "train up a child in the way he should go," is unsuited to the genius of "Young America," and that it is best for the full development of his lofty aspirations that he be left free and unfettered to follow the bent of his own inclinations, even if such gratification lead him into the tippling shop, and then, as sure as cause produces effect, to gambling saloons?

Your committee deem this a very important bill, and that is their apology for trespassing so long on the patience of the Senate, and earnestly recommend its passage.

WESLEY SHROPSHIRE.

Mr. Carlton, from a special committee, made the following report:

The special committee to whom was referred a bill of the House of Representatives, to be entitled an act for the relief of John M. Willhite, of the county of Jackson, and report the bill back to the Senate, and recommend its passage.

J. B. CARLTON, Chairman.

The Senate took up as the special order of the day, the report of the committee of the whole on .

A bill to be entitled an act to alter and amend the first section of the third article of the Constitution, as to the place or places of the sitting of the Supreme Court of this State.

Mr. Bartlett moved that the further consideration of the same be postponed for the present, and made the special order for the first Monday in December next, which was agreed to.

The following message was received from the House of Representatives, by Mr. Shropshire, their Clerk:

**Mr. President:**—The House has passed the following joint resolution, and to which they ask the concurrence of the Senate, to-wit:

Whereas, his Excellency the Governor has set apart Thursday the 25th inst., as a day of Thanksgiving, and recommended divine service to be held in the different places of worship,

*Resolved*, That a committee of three be appointed on the part of the House of Representatives to act in concert with a committee to be appointed on the part of the Senate to make arrangements for service in the Hall of Representatives on Thursday next, and to invite some distinguished divine to deliver an appropriate Sermon on the occasion.

On motion of Mr. Shropshire the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prohibit the sale of intoxicating liquors to minors, and to punish all offenders against the same.

The amendment previously offered was agreed to.

Mr. Bloodworth of Pike, moved further to amend the report by inserting in the first section of said bill, after the word "minor," and before the word "without," the words, "under the age of seventeen years," which was lost.

Mr. Smith of Hancock, moved further to amend the report by adding the following section to said bill:

*And be it further enacted*, That the penalties of this bill shall extend to no case where liquor is sold to a married person, which was agreed to.

Mr. Bloodworth of Pike, moved to except from the provisions of the bill the county of Pike, which was lost.

Mr. Griffin of Calhoun, moved to amend by excepting from the provisions of the bill the county of Calhoun, which was lost.

Mr. Banks moved further to amend by excepting from the provisions of the bill the county of Hall, which was lost.

Mr. Bush moved further to amend by excepting from the provisions of the bill the county of Miller, which was lost.

Mr. Slaughter moved further to amend the report by striking out the words "one half of," and "to the informer the other half," in the first section of said bill, which was agreed to.

Mr. Warthen moved further to amend the report by adding the following section to said bill:

*And be it further enacted*, That such minor receiving or purchasing liquor, if he has arrived at the years of discretion, shall be guilty of a like offence, and shall be punished in like manner, which was lost.

The report as amended was then agreed to, the bill was read the third time, and on the question, shall this bill now pass

Mr. Harris of Worth, required the yeas and nays, which being recorded, were yeas 46, nays 52.

Those who voted in the affirmative were Messrs :

Adams of Elbert,	Fain,	Neal,
Arnett,	Felton.	Pope,
Arnold,	Graham,	Price,
Atkinson,	Hammond,	Quillian,
Beall,	Hart,	Reynolds,
Billups,	Hill of Harris,	Shepherd,
Browning,	Jarrard,	Shropshire,
Byrd,	Johnson of Fayette,	Slaughter,
Carlton,	Johnson of Pauld-	Spaulding,
Castleberry,	ing,	Smith of Hancock,
Collier,	Knox,	Sutton,
Crowder,	Lockheart,	Thomas,
Dawson,	Matthews,	Tucker,
Darden,	McDonald,	Ward,
Drake,	McGuire,	Williams of White,
Edmondson,	McRea,	

Those who voted in the negative were Messrs :

Adams of Rabun,	Gholston,	Riley of Taylor,
Aikens,	Gordon,	Staten,
Ashley,	Griffin or Calhoun,	Stokes,
Banks,	Guerry,	Stowers,
Bennett,	Harris of Merri-	Strickland,
Bloodworth of Car-	wether,	Tison,
roll,	Harris of Walton,	Treadwell,
Bloodworth of Pike,	Harris of Worth,	Turner,
Briscoe,	Hays,	Walker,
Bryan,	Hixon,	Warthen,
Bullard,	Holcombe,	Webb,
Bush,	Jamison,	West,
Cochran,	Mattox,	Westbrooks,
Colquitt,	Mounger,	Wilcoxson,
Cone,	Overstreet,	Williams of Berrien,
Cumbie,	Paine,	Wooten,
Donaldson,	Robinson, of Talbot,	Young of Irwin,
Fields,	Riley of Lumpkin,	Young of Union,

So the bill was lost.

On motion of Mr. Cone the rules were suspended and the joint resolution of the House of Representatives, in relation to divine service on Thursday the 25th instant, Thanksgiving day, was taken up, read and concurred in.

And the President of the Senate appointed Messrs. Hart, Wilcoxson and Matthews, as the committee on the part of the Senate.

On motion of Mr. Carlton the rules were suspended and

the Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of John M. Willhite, of the county of Jackson.

Mr. Slaughter moved that the report be laid on the table for the present, which was agreed to.

Mr. Guerry, from the committee on Finance, made the following report:

The Committee on Finance have had under consideration a bill to be entitled an act for the relief of the estate of Samuel Martin, late of the county of Fayette, deceased.

And also, a bill to be entitled an act to require the Treasurer of this State to sign the coupons of the old six per cent. bonds of this State for the whole of the interest, as it falls due, or to issue new bonds with all the coupons signed, and recommend the passage of the same.

They have also considered a bill to be entitled an act to repeal all laws exempting from taxation stock owned by the State in banks, and report the same back to the Senate without any expression of opinion thereon.

T. L. GUERRY, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act authorizing the appointment of a State Geologist, and for other purposes.

The report of the committee on Internal Improvement being adverse to the passage of the bill: the report was agreed to, and the bill was lost.

Mr. Harris of Worth, from the committee on new counties and county lines, made the following report:

The committee on new counties and county lines, have had under consideration,

A bill to be entitled an act to change the line between the counties of Ware and Clinch, and between Ware and Coffee, and recommend the passage of the bill.

They have also considered, a bill to be entitled an act to change the line between the counties of Jefferson and Emmanuel, and recommend the passage of the bill.

They have also considered, a bill to be entitled an act to change the lines between the counties of Gilmer and Pickens, and recommend its passage.

They have also considered, a bill to be entitled an act to change the line between the counties of Fayette and Campbell, and recommend its passage.

They have also considered, a bill to be entitled an act to add certain named lots of land now in Baker county to the county of Dougherty, and recommend its passage.

They have also considered, a bill to be entitled an act to change the county line between Taylor and Schley counties, and recommend its passage.

They have also considered, a bill to be entitled an act to change the county line between the counties of Cass and Gordon, and Gordon and Murray, and for other purposes therein named, and recommend its passage.

WM. A. HARRIS, Ch'mn.

Mr. Cone announced the death of Ex-Governor William Schley, and moved that a committee of three be appointed to report suitable resolutions in relation thereto; which was agreed to.

And the President of the Senate appointed Messrs. Cone, Briscoe and Billups as that committee.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to require the Sheriffs in this State to make return to the Clerks, of all writs of fieri facias placed in their hands for execution, and to more clearly prescribe the Clerks duty in such cases, and for other purposes.

The report of the committee on the Judiciary being against the passage of the bill.

The report of the committee was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act, approved 5th March, 1856, entitled an act, to alter and amend the 6th section of an act, approved 11th February, 1854, entitled an act to incorporate the Dalton Copper Mine and Turnpike and Railroad Company, and for other purposes therein contained.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to give to rules absolute against officers in this State a lien upon property; and to give officers the control of executions in certain cases.

The committee on the Judiciary, moved to amend the report, by striking out the second section of said bill; which was lost.

Mr. Mounger moved further to amend the report by adding the following proviso to the second section of said bill, to wit: Provided the Sheriff shall not have the control of the Judgment and fi. fa. issued therefrom, if it shall appear that any security or endorser shall be injured or damnified by the act of the Sheriff; which was lost.

The report was then agreed to, the bill was read the third time and passed.

On motion, leave of absence was granted to Messrs. Hill of Sumter, Webb, Marshall, Overstreet, Carlton, Stripling, and Riley of Taylor, for a few days.

Mr. Cone from the committee appointed to report suitable resolutions in relation to the death of Ex-Governor William Schley, reported the following resolutions, which were taken up, read and agreed to.

Whereas, the General Assembly have received the painful intelligence of the death of Ex-Governor William Schley:

*Be it therefore resolved*, That in the death of Ex-Governor William Schley, the State of Georgia has lost one of her most faithful, honest, efficient and distinguished sons, one who has served her honorably and satisfactorily as Governor of the State, and as a member of the Congress of the United States, and one who upon his retirement from public life received from the entire body of his fellow-citizens the plaudit, "well done good and faithful servant."

*Resolved* That as a token of respect to his memory, the General Assembly will adjourn until half past nine o'clock, to-morrow morning.

*Resolved*, That the Secretary of the Senate is hereby instructed to transmit a copy of the above resolutions to the widow and family of the deceased.

PETER CONE,  
L. H. BRISCOE,  
J. A. BILLUPS.

On motion, the Senate then adjourned until half past 9 o'clock, to-morrow morning.

## TUESDAY, NOVEMBER 23d, 1858.

9½ o'clock, A. M.

The Senate met, according to adjournment.

Mr. Spaulding moved to reconsider so much of the journal of yesterday, as relates to the vote by which, a bill to be entitled an act to prohibit the sale of intoxicating liquors to minors, and to punish all offenders against the same, was lost.

Upon agreeing to which motion, Mr. Spaulding required the yeas and nays, which being recorded, were yeas 43, nays 47.

Those who voted in the affirmative are Messrs:

Adams of Elbert,	Fambro,	Neal,
Arnett,	Felton,	Reynolds,
Arnold,	Graham,	Shepherd,
Bartlett,	Hammond,	Shropshire,
Billups,	Hart,	Slaughter,



Browning,	Hill, of Harris,	Spalding,
Byrd,	Hill of Troup,	Smith of Hancock,
Castleberry,	Jarrard,	Sutton,
Collier,	Johnson of Paulding	Thomas,
Crowder,	Knox,	Ward,
Dawson,	Matthews,	Westbrooks,
Darden,	McDonald,	Wilcoxson,
Drake,	McGuire,	Williams of White,
Edmondson,	Mounger,	Wooten.
Fain,		

Those who voted in the negative are Messrs :

Adams' of Rabun,	Donaldson,	Quillian,
Akins,	Fields,	Robinson of Talbot,
Ashley,	Gholston,	Riley of Lumpkin,
Banks,	Gordon,	Riley of Taylor,
Bennett,	Griffin of Calhoun,	Staten,
Bloodworth of Car-	Griffin of Twiggs,	Stowers,
roll,	Harris of Worth,	Strickland,
Bloodworth of Pike,	Hays,	Tison,
Briscoe,	Hixon,	Treadwell,
Bryan,	Holcombe,	Tucker,
Bullard,	Jamison,	Turner,
Bush,	Jossey,	Walker,
Cochran,	Lockheart,	West,
Colquitt,	Mattox,	Williams of Berrien,
Cone,	McRea,	Young of Irwin,
Cumbie,	Overstreet,	Young of Union.

So the motion to reconsider, did not prevail.

Mr. Byrd introduced a bill to be entitled an act to lay out and organize a new county from the counties of Gordon, Cass, Cherokee, Pickens and Gilmer, and for other purposes ; which was read the first time.

Mr. Bullard introduced a bill to be entitled an act to amend the fee bill of the Clerks of the Superior and Inferior Courts of this State, assented to December the 22d, 1857 ; which was read the first time.

Mr. Castleberry introduced a bill to be entitled an act to incorporate the town of Fort Gaines in the county of Clay, &c. ; which was read the first time.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk :

*Mr. President* :—The House has passed the following bills, to-wit :

A bill to be entitled an act to curtail the jurisdiction of the Supreme Court in criminal cases, and for other purposes, &c.

A bill to be entitled an act for the relief of Thomas H Highsmith, of Cobb county.

A bill to be entitled an act to amend an act approved 19th December, 1829, to point out and regulate the manner of taking the testimony of females in certain cases, so far as to include practicing physicians and school teachers in actual employment.

A bill to be entitled an act to alter and amend an act entitled an act to provide for the perfecting of titles to land, where parties die and have bonds out for titles, assented to December 22d, 1857.

A bill to be entitled an act to compensate certain persons therein named.

A bill to be entitled an act to amend an act entitled an act for preventing and punishing vice, profaneness and immorality, and for keeping holy the "Lord's Day," commonly called Sunday, approved March 4th, 1762.

A bill to be entitled an act to amend the laws in relation to marriage and inheriting property, in certain cases therein specified.

A bill to be entitled an act to amend an act entitled an act to amend an act to carry into effect the 9th section of the 3d article of the Constitution, approved Dec. 1st, 1802.

A bill to be entitled an act to describe the mode and manner of selecting, drawing and summoning tales jurors for the trial of criminal cases in the Superior Court of the county of Chatham, and for other purposes herein mentioned.

Also, that the House has concurred in the resolutions of the Senate in reference to the death of Ex-Governor William Schley.

Mr. Cochran introduced a bill to be entitled an act to change the time of holding the Superior Court for Wilkerson county, and to allow said Court to hold two weeks, and to draw two panels of jurors, which was read the first time.

Mr. Colquitt introduced a bill to be entitled an act to incorporate Young America Fire Company in the city of Columbus, which was read the first time.

Mr. Darden introduced a bill to be entitled an act to revive, alter and amend an act entitled an act to make permanent the site of the public buildings in Polk county at Cedartown, and to incorporate the same, assented to February 8th, 1854, which was read the first time.

Also, a bill to be entitled an act to amend the road laws of this State, so far as relates to the county of Polk, and to provide for the assessment and collection of a road tax in said county, &c., which was read the first time.

On motion of Mr. Briscoe, Messrs. Riley of Taylor, West and Holcomb were added to the committee on the lunatic asylum, and leave of absence was granted to the committee on the lunatic asylum for the balance of the day.

Mr. Fields introduced a bill to be entitled an act to alter

and amend the tax laws of this State, which was read the first time.

Mr. Gholston introduced a bill to be entitled an act to remove the penitentiary and rebuild the same, and for other purposes therein named, which was read the first time.

Also, a bill to be entitled an act to authorize and require the Justices of the Inferior Court of Madison county to collect by suit or otherwise, the remainder or unexpended portion of the academy funds, now in the hands of the trustees of said Academy, or that may hereafter come into their hands, and when collected, to be applied by them to the education of the poor children of said county, &c., which was read the first time.

Mr. Paine, from the committee on enrollment, reports as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate,

An act to be entitled an act for the relief of Jacob Weaver, Sarah Ann Weaver, alias Sarah Ann Calhoun, and for other purposes.

Also, a resolution against introducing any new matter in either branch of the General Assembly, except by a two-third vote.

Also, a resolution setting apart Thursday the 25th inst, as a day of general thanksgiving.

Mr. Gordon introduced a bill to be entitled an act to change the time of holding the Inferior Courts of the county of Walker, which was read the first time.

Mr. Hart introduced a bill to be entitled an act to authorize the Justices of the Inferior Court of Bryan county to levy an extra tax in the county of Bryan on the State tax, for educational purposes, which was read the first time.

Mr. Harris of Worth introduced a bill to be entitled an act to authorize the Justices of the Inferior Court of Worth county to levy an extra tax to pay off the indebtedness of said county, commencing in 1859, which was read the first time.

Also, a bill to be entitled an act to authorize Joseph Porter, an infirm man, of the county of Worth, to peddle in said county without a license, &c., which was read the first time.

Mr. Hill of Harris introduced a bill to be entitled an act to pardon Burton A. Brooks, of the county of Harris, now under sentence of death for the crime of murder, which was read the first time.

Mr. Hixon introduced a bill to be entitled an act to change the time of holding the Superior and Inferior Courts of Schley county, which was read the first time.

Mr. Holcomb introduced a bill to be entitled an act to establish a tobacco inspection in the town of Canton, and provide for the appointment of inspectors, which was read the first time.

Mr. Arnold introduced a bill to be entitled an act to authorize any Justice of the Inferior Court of the county to administer the oath of office to Justices of the Peace, which was read the first time

Mr. Jamison introduced a bill to be entitled an act to make void the survey of the first district of Rabun county, known as Dickerson's survey, which was read the first time.

Mr. McDonald introduced a bill to be entitled an act to authorize Eaton H. Howard, a one-armed man, and John Taylor, Sr., a decrepid and infirm man, of the county of Ware, and Thadeus Douglass, of the county of Clinch, to peddle without paying a tax therefor, which was read the first time.

Mr. Neal introduced a bill to be entitled an act to incorporate A. J. Miller Lodge No. 204 of free and accepted Masons, and to confer certain powers, which was read the first time.

Mr. Mathews offered the following resolution :

*Resolved*, That while we wholly deny slavery to be a moral evil, but believe it sanctioned by Holy Writ and will ever resist even to death all encroachments upon our rights to our slaves, rights guaranteed to us by the common law, we would nevertheless view the re-opening of African slave trade morally wrong as well as highly impolitic.

Mr. Paine introduced a bill to be entitled an act to give to all persons who may sell or supply any description of timber, fire-wood or provisions to the owner, agent, or superintendent of any steam saw mill a lien on said mill and fixtures, &c., which was read the first time.

And offered the following resolution :

Whereas, It is the duty, as it has been the custom, of Congress when information touching the interest of the people of the United States is required, to appoint a commission for the purpose of obtaining the information desired ;

And whereas, Within the limits of the State of Georgia there is contained a very large portion of yellow pine belt, an amount larger, perhaps, than in all the other States which border upon the Atlantic, and upon which a very low estimate is placed by many of our citizens, stigmatized by some as a pine barren, a desert, &c., but which, if rightly appreciated and understood, would add millions to the wealth of our citizens and greatly increase the amount of taxable property of the State ;

And whereas, One of Georgia's wisest and greatest statesmen foresaw and predicted that the time was not far distant when our pine forest would become of great value, and already we find that the United States Government, startled by the rapid destruction of the said pine forest for agricultural purposes, have withdrawn from sale a large portion of her pine lands in Florida for the purpose of holding the timber for the future use of her navy,

*Resolved*, Therefore, by the General Assembly of the State of Georgia, that our Senators and Representatives in Congress be requested to use their influence in having a commission appointed by Congress to inquire into the limits and extent of the Southern pine belt—what will be the probable time of its duration under the present rate of depletion, the quantity of pine timber shipped and to what countries, together with any and all matters of interest connected with the subject.

*Resolved*, That his Excellency the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. Overstreet introduced a bill to be entitled an act to give John B. Woodard the right to peddle without paying license, which was read the first time.

Mr. Quillian introduced a bill to be entitled an act to incorporate the Springer Mountain Gold and Copper Mining Company, which was read the first time.

Also, a bill to be entitled an act to incorporate the Elijah Gold and Copper Mining Company, which was read the first time.

Mr. Paine, from the committee on Enrollment, reports as duly enrolled and ready for the signature of the President of the Senate,

A resolution in relation to the death of ex-Governor Schley.

Mr. Roberts introduced a bill to be entitled an act to incorporate the Marietta Paper Mill company, which was read the first time.

Mr. Riley of Lumpkin introduced a bill to be entitled an act to repeal the eighth section of an act entitled an act to levy and collect a tax for each of the political years 1852 and 1853 and thereafter until repealed, approved January 9th, 1852, which was read the first time.

Mr. Treadwell introduced a bill to be entitled an act for the relief of Thomas Turner of Whitfield county from all the disabilities and liabilities on account of his intermarriage with Mary Turner, his wife, which was read the first time.

Mr. Tucker introduced a bill to be entitled an act for the relief of R. G. Carruthers, which was read the first time.

Mr. Stubbs introduced a bill to be entitled an act to amend the claim laws of this State, which was read the first time.

Mr. Spaulding introduced a bill to be entitled an act to repeal an act assented to December seventeenth, 1857, to render certain the compensation of teachers of poor children of the respective counties of the State, and to secure to poor children the benefit of the poor school fund, so far as relates to the county of Chatham, which was read the first time.

Also, a bill to be entitled an act to prevent the interference

of free negroes in any manner with our slaves, and to punish the same, which was read the first time.

Mr. Whitaker introduced a bill to be entitled an act to incorporate the Protestant Episcopal Church in the city of Atlanta; Georgia, under the name and style of the Church Wardens and Vestry of St. Phillips Church in the city of Atlanta, which was read the first time.

Also, a bill to be entitled an act to authorize Absalom J. Betterton of Fulton county to practice medicine in this State and to charge and collect the usual fees for the same, which was read the first time.

Also, a bill to be entitled an act to add an additional section to the 12th division of the penal code of this State, for purposes therein mentioned, which was read the first time.

And presented a memorial from A. Alexander and others of the city of Atlanta, which was read, and on motion of Mr. Whitaker referred to the committee on Banks.

Mr. Williams of White introduced a bill to be entitled an act to facilitate mining operations for gold, and for other purposes, which was read the first time.

The following message was received from the Governor, through Mr. McComb, his Secretary.

*Mr. President* :—The Governor has approved and signed the resolution of both branches of the General Assembly, relative to the death of Ex-Governor Wm. Schley.

On motion of Mr. Spalding the special order was suspended and the Senate took up as the report of the committee of the whole.

A bill of the House of Representatives to be entitled an act to reimburse John H. Howard for the expenses incurred by him in the Courts of Alabama and of the United States in defense of the State line as described in the compact of 1802.

The report was agreed to, the bill was read the third time and upon the question shall this bill now pass? Mr. Arnold required the yeas and nays which being recorded were yeas 55 nays 43.

These who voted in the affirmative are Messrs.

Arnett,	Hammond,	Robinson of Talbot,
Atkinson,	Harris of Merriweth-	Riley of Lumpkin,
Banks,	er,	Riley of Taylor,
Bartlett,	Harris of Worth,	Slaughter,
Billups,	Hays,	Spalding,
Briscoe,	Hill of Harris,	Smith of Hancock,
Browning,	Jamison,	Stowers,
Bullard,	Johnson of Fayette,	Sutton,
Castleberry,	Johnson of Pauld-	Thomas,
Cochran,	ing,	Tison,
Colquitt,	Knox,	Tucker,

Crowder,	Lockheart,	Ward,
Dawson,	Matthews,	Warthen,
Darden,	McGuire,	West,
Drake,	Mounger,	Whitaker,
Edmondson,	Paine,	Williams of Ber-
Felton,	Pope,	rien,
Gordon,	Price,	Williams of White,
Griffin of Calhoun,	Roberts,	Young of Union,
Guerry,		

Those who voted in the negative are Messrs.

Adams of Elbert,	Fambro,	McRea,
Adams of Rabun,	Fields,	Neal,
Arnold,	Gholston,	Overstreet,
Ashley,	Graham,	Quillian,
Beall,	Griffin of Twiggs,	Reynolds,
Bennett,	Hart,	Shepherd,
Bloodworth of Car-	Harris of Walton,	Staten,
roll,	Hill of Troup,	Stokes,
Bloodworth of Pike,	Hixon,	Strickland,
Bryan,	Jarrard,	Treadwell,
Bush,	Jossey,	Turner,
Byrd,	Marshall,	Walker,
Collier,	Mattox,	Wilcoxson,
Cone,	Mallard,	Wooten,
Fain,	McDonald,	Young, of Irwin,

So the bill was passed.

The following message was received from the House of Representatives by Mr. Shropshire their clerk.

*Mr. President* :—The House of Representatives have agreed to a resolution of the Senate constituting the Senate and House Committee on the Judiciary for certain purposes therein specified.

On motion of Mr. Fields the special order was further suspended for the purpose of offering a resolution.

*Mr. Fields* offered the following resolution.

Whereas the people of Cherokee, Pickens, Forsyth, and Lumpkin counties, desire to extend the Etowah Railroad,

*Resolved*, By the Senate and House of Representatives of Georgia, in General Assembly met, that the Governor and the Superintendent of the Western and Atlantic Railroad be authorized and directed to let the Etowah and Canton Railroad Company, have the use of the old rails which may be taken up on the State road, in re-laying the track, for the construction of the Etowah and Canton Railroad, as the same may be graded at such annual rent as may be just for a term of years and that the same be returned at the end of said time or paid for at a stipulated price per ton, provided that satis-

factory security be given for that purpose.

Mr. Paine from the Committee on Enrollment reports as duly enrolled and ready for the signature of the president of the Senate, a resolution in relation to the joint action of the judiciary committee of both houses on the various subjects relative to the Supreme Court.

The Senate took up as the special order of the day, the report of the committee of the whole on,

A bill to be entitled an act to alter the eleventh section of the fourth article of the Constitution of this State.

Mr. Felton moved to amend the report by adding the following preamble to said bill, to-wit :

Whereas the eleventh section of the fourth article of the Constitution of this State declares "there shall be no future importation of slaves into this State from Africa or any foreign place, after the first day of October next," and without expressing any opinion in regard to the policy of re-opening the African slave trade, but believing that the right to hold slaves as property exists everywhere except such places as by positive law it is prohibited, we regard the further retention of said clause in the Constitution of this State as unnecessary, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and pending the consideration of the question, shall this bill now pass? The hour for adjournment arrived and the President adjourned the Senate until 3'clock P M.

#### AFTERNOON SESSION.

THREE O'CLOCK, P M.

The Senate met according to adjournment.

And resumed the consideration of the unfinished business of the morning which was,

A bill to be entitled an act to alter the eleventh section of the fourth article of the Constitution of this State and the question, shall this bill now pass?

Upon which question in pursuance of the requirements of the Constitution, the yeas and nays were required to be recorded and were yeas 46, nays 47.

Those who voted in the affirmative are Messrs:

Adams of Rabun,	Cone,	McConnell,
Akins,	Donaldson,	McDonald,
Arnett,	Edmondson,	McGuire,



Atkinson,	Felton,	Pope,
Ashley,	Fields,	Roberts,
Billups,	Gholston,	Slaughter,
Bloodworth of Car-	Gordon,	Staten,
roll,	Griffin of Calhoun,	Stokes,
Browning,	Griffin of Twiggs,	Tison,
Bullard,	Guerry,	Westbrooks,
Bush,	Hammond,	Whitaker,
Byrd,	Hart,	Wilcoxson,
Castleberry,	Harris of Worth,	Williams of White,
Cochran,	Johnson of Fayette,	Wooten,
Collier,	Jossey,	Young, of Irwin,
Colquitt,	Mattox,	

Those who voted in the negative are Messrs :

Adams of Elbert,	Harris of Walton,	Quillian,
Arnold,	Hays,	Reynolds,
Banks,	Hixon,	Robinson of Talbot,
Bartlett,	Jamison,	Riley of Lumpkin,
Beall,	Jarrard,	Shepherd,
Bennett,	Johnson of Pauld-	Shropshire,
Bloodworth of Pike,	ing,	Spalding,
Bryan,	Knox,	Stowers,
Crowder,	Lockheart,	Strickland,
Dawson,	Marshall,	Sutton,
Darden,	Matthews,	Thomas,
Drake,	McRea,	Treadwell,
Fain,	Neal,	Tucker,
Fambro,	Overstreet,	Turner,
Graham,	Paine,	Walker,
Harris of Merriweth-	Price,	Ward,
er,		

So the bill was lost.

Mr. Fambro upon casting his vote on the foregoing bill, did so under the following protest.

As a Southern man by nativity, feeling and interest, I am sufficiently ultra upon the abstract question of slavery as to knowing rights and if needs be dare maintain them,

And while I regret the necessity of meeting the question of re-opening the African slave trade, now barred by our own State Constitution, settled and fixed by the wisdom of our forefathers, opposed as I am to the importation of African slaves to this State upon the score of policy I vote no.

A. G. FAMBRO, Chairman.

Mr. Griffin of Twiggs moved to suspend the rules for the purpose of introducing a bill, which was agreed to.

Mr. Griffin of Twiggs, introduced a bill to be entitled an act to add lot of land No. 18 in the 7th district originally Baldwin

county now Jones, to the county of Twiggs, which was read the first time.

On motion of Mr. Griffin of Twiggs, the Senate, then adjourned until half past 9 o'clock to-morrow morning.

WEDNESDAY, NOVEMBER 24th, 1858.

NINE AND A HALF O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Wilcoxson moved to reconsider so much of the journal of yesterday as relates to the vote by which a bill of the House of the Representatives to be entitled an act to re-imburse John H. Howard for the expense incurred by him in the Courts of Alabama and of the United States in defense of the State line as described in the compact of 1802, was passed.

Upon agreeing to which motion Mr. Wilcoxson required the yeas and nays, which being recorded were yeas 23 nays 75.

Those who voted in the affirmative are Messrs :

Arnold,	Hart,	Shepherd,
Bartlett,	Hays,	Staten,
Bryan,	Holcombe,	Strickland,
Castleberry,	Johnson of Pa'ding,	Treadwell,
Fambro,	Mattox,	Walker,
Fields,	McDonald,	Westbrooks
Gholston,	McRea,	Wilcoxson,
Griffin of Twiggs,	Reynolds,	

Those voting in the negative are Messrs :

Adams of Elbert,	Edmondson,	Roberts,
Adams of Rabun,	Fain,	Robinson of Talbot,
Aikins,	Felton,	Riley of Lumpkin
Arnett,	Gordon,	Riley of Taylor,
Atkinson,	Graham,	Shropshire,
Ashley,	Guerry,	Slaughter,
Beall,	Hammond,	Spalding,
Bennett,	Harris of Merri-	Smith of Hancock,
Bloodworth of Car-	wether,	Smith of Jefferson,
roll,	Harris, of Walton,	Stokes,
Bloodworth of Pike,	Harris of Worth,	Sutton,
Briscoe,	Hill of Harris,	Thomas,
Browning,	Hill of Troup,	Tison,
Bullard,	Hixon,	Tucker,
Bush,	Jamison,	Turner,
Byrd,	Jarrard,	Ward,

Cochran,	Johnson of Fayette,	Warthen,
Collier,	Jossey,	West,
Colquitt,	Knox,	Whitaker,
Cooper,	Lockheart,	Wilcher,
Cone,	Marshall,	Williams of Berrien,
Crowder,	Matthews,	Williams of White,
Cumbie,	McConnell,	Wooten,
Dawson,	Neal,	Young of Irwin,
Donaldson,	Paine,	Young of Union.
Drake,	Quillian,	

So the motion to reconsider did not prevail.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk :

*Mr. President* :—The House has passed the following bill, to-wit :

A bill to appropriate fifteen hundred dollars to the building of a turnpike and bridge across Spring Creek, in Miller county, &c.

Mr. Young of Union, moved to reconsider so much of the journal of yesterday as relates to the vote by which a bill to be entitled an act to alter the eleventh section of the fourth article of the Constitution of this State was lost.

Upon agreeing to which motion, Mr. Young of Union, required the yeas and nays, which being recorded, were yeas 63. nays 38.

Those who voted in the affirmative, are Messrs.

Adams of Rabun,	Felton,	McGuire,
Akins,	Fields,	Pope,
Arnett,	Gholston,	Roberts,
Atkinson,	Gordon,	Riley of Taylor,
Ashley,	Griffin of Twiggs,	Shropshire,
Billups,	Guerry,	Slaughter,
Bloodworth of Carroll,	Hammond,	Smith of Jefferson,
Briscoe,	Hart,	Staten,
Browning,	Harris of Merriwether,	Stokes,
Bullard,	Harris, of Worth,	Tison,
Bush,	Hill of Harris,	Walker,
Byrd,	Hill of Troup,	Warthen,
Castleberry,	Holcombe,	West,
Cochran,	Hixon,	Westbrooks,
Collier,	Johnson of Fayette,	Whitaker,
Colquitt,	Jossey,	Wilcoxson,
Cooper,	Knox,	Williams of Berrien,
Cone,	Lockheart,	Williams of White,
Cumbie,	Mattox,	Wooten,
		Young of Irwin,

Donaldson,	McConnell,	Young of Union,
Edmondson,	McDonald,	

• Those who voted in the negative, are Messrs.

Adams of Elbert,	Fambro,	Shepherd,
Arnold,	Graham,	Spalding,
Banks,	Harris of Walton,	Smith of Hancock,
Bartlett,	Hays,	Stowers,
Beall,	Johnson of Paulding,	Strickland,
Bennett,	Marshall,	Sutton,
Bloodworth of Pike,	Matthews,	Thomas,
Bryan,	McRea,	Treadwell,
Crowder,	Neal,	Tucker,
Dawson,	Paine,	Turner,
Darden,	Reynolds,	Ward,
Duke,	Robinson of Talbot,	Wilcher,
Fain,	Riley of Lumpkin,	

So the motion to reconsider prevailed.

Mr. Hart, from the Joint Committee on the part of the Senate, made the following report :

The committee appointed by the Senate to select some suitable divine to deliver a discourse on Thursday next, Thanksgiving day, beg leave to report that the Rev. J. L. Warren was selected, has accepted and will preach in the Representative Hall at the usual hour on Thursday next.

C. W. HART, Chairman.

Mr. Harris of Worth, from the committee on New Counties and County lines, reports that they have had under consideration a bill proposing to straighten, define and mark a part of the county line between the counties of Greene and Oglethorpe, and to provide for the running of the same, and report the same back and recommend that the bill do not pass, but the committee recommend that the bill offered by the Senator from Oglethorpe, as a substitute, do pass.

Also a bill to add a part of the county of Gilmer to the county of Fannin, and recommend the passage of the bill.

The President of the Senate announced the reception of a communication addressed to the General Assembly, which being read, was a communication from Fillman Snead, upon the subject of preaching, and which, on motion of Mr. Slaughter, was referred to the committee on the Lunatic Asylum.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to establish the times of holding the Inferior Courts for the county of Coffee.

Mr. Slaughter moved to amend the report by inserting in the first section of said bill after "Coffee," the words "and Dougherty," and by changing the caption of said bill to correspond therewith, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to provide for taking of the census of the State of Georgia in pursuance of the requirements of the twenty-fifth section of the first article of the Constitution of the State of Georgia.

Mr. Harris of Merriwether, moved to amend the report by striking out "four," in the first section of said bill and inserting in lieu thereof the word "two," which was agreed to.

Mr. Bloodworth of Pike, moved further to amend the report by striking out of the fourth section the word "two," after "fifty," and inserting in lieu thereof the word "nine," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal an act to settle and fix the hours of labor by all white persons under twenty-one years of age in all cotton, woolen, and other manufacturing establishments in this State, and to make all contracts for a greater length of time than herein prescribed null and void, and to punish violations of this act, approved February 20th, 1854, so far as the Milledgeville Manufacturing Company is concerned.

Mr. Harris of Worth, moved that the report be laid on the table for the balance of the session, which was agreed to.

Mr. Briscoe, from the Committee on Enrollment, reports as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following

Act to be entitled an act to reimburse John H. Howard for the expense incurred by him in the Courts of Alabama and of the United States in defence of the State line as described in the compact of 1802.

On motion of Mr. Ward, of Chatham, the rules were suspended and the following bill of the House of Representatives was taken up, read the second time and referred to the committee on the Judiciary, to-wit:

A bill to be entitled an act to repeal an act entitled an act to provide for the trial by the Superior Courts of this State of any slave or free persons of color charged with any capital offence against the laws of this State, approved February 14th, 1850.

On motion of Mr. Hill of Harris, the rules were further suspended and the following bill was taken up, read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act to pardon Burton A. Brooks, of

the county of Harris, now under sentence of death for the crime of murder.

On motion of Mr. Hill of Harris, 150 copies of the bill of indictment and testimony in the case of the State vs. Burton A. Brooks, was ordered to be printed for the use of the Senate.

Mr. Harris of Worth, moved that the rules be suspended for the introduction of new matter, which was agreed to.

Mr. Dawson introduced a bill to be entitled an act to legalize the purchase of real estate by Mrs. Clementine J. Billingslea, adm'r of the estate of James F. Billingslea, late of the county of Greene, which was read the first time.

Mr. Bullard introduced a bill to be entitled an act to make legal the issuing of certain grants to lands, &c., which was read the first time.

Mr. Robinson of Talbot, introduced a bill to be entitled an act to regulate the collection of jury fees in the Superior and Inferior Courts of Talbot county; which was read the first time.

Mr. Harris of Worth, introduced a bill to be entitled an act to change the line between the counties of Colquitt and Worth; which was read the first time.

And made the following report from the committee on new counties and county lines.

Mr. Harris of Worth, from the committee on new counties, reports that it has had under consideration,

A bill authorizing the Inferior Courts of the several counties to appoint commissioners to run and mark disputed county lines, &c., and recommend that the bill do not pass.

(Signed,)

W A. HARRIS, Chairman.

Mr. Warthen moved that a bill to be entitled an act to repeal all laws exempting from taxation stock owned by the State in any banking company, be referred to a select committee of three; which was agreed to.

And the chair appointed Messrs. Warthen, Banks and Shepherd, as that committee.

On motion of Mr. Hill of Harris, the Senate then adjourned until half past 9 o'clock, A. M. on Friday morning next.

*FRIDAY, NOVEMBER 26th, 1858*

9½ O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Arnold introduced a bill to be entitled an act to repeal so much of the act of 1825, as relates to the licensing of

physicians, and for other purposes ; which was read the first time.

On motion, leave of absence was granted to Messrs. Matthews, Bartlett, Gordon, Humphries and Bloodworth, of Carroll, for a few days.

On motion of Mr.                    indefinite leave of absence was granted to Mr. Robinson of Laurens, in consequence of his confinement at home by sickness.

Mr. Fambro introduced a bill to be entitled an act to incorporate Upson Camp Ground, and appoint trustees for the same, and other purposes therein mentioned ; which was read the first time.

Mr. Johnson of Paulding, introduced a bill to be entitled an act to explain an act entitled an act to amend an act to exempt from levy and sale under execution, certain property therein mentioned, assented to December 22d, 1857 ; which was read the first time.

Mr. Quillian introduced a bill to be entitled an act for the relief of John Farmer and William Scott securities on the penal bond of Newton Freeman, &c. ; which was read the first time.

Mr. Riley of Lumpkin, introduced a bill to be entitled an act to extend the jurisdiction of Justices Courts in certain cases therein named, and provide the mode of trial for the same ; which was read the first time.

Mr. Treadwell introduced a bill to be entitled an act to repeal that part of the 22d section of an act, approved December 30th, 1851, so far as relates to the Justices of the Inferior Court of Whitfield county, levying of an extra tax on the citizens of said county ; which was read the first time.

Mr. Smith of Hancock, introduced a bill to be entitled an act authorizing the arrest by the Marshal of the village of Sparta, without warrant, and the confinement in the common jail of the county of Hancock of all persons violating the laws passed by the commissioners of said village, against drunkenness, and other gross and immoral conduct in the streets of said village ; which was read the first time.

Mr. Ward of Chatham, introduced a bill to be entitled an act to amend the registry laws of the city of Savannah ; which was read the first time.

Mr. Whitaker introduced a bill to be entitled an act to confer upon the Mayor and Council of Atlanta, authority and power to establish, organize and support by law a general system of public free schools in and for said city, and for other purposes ; which was read the first time.

Also, a bill to be entitled an act to confer upon the Mayor and Council of the city of Atlanta, certain powers therein specified, and for other purposes ; which was read the first time.

Mr. Price offered the following resolutions:

*Resolved by the General Assembly of the State of Georgia,* That His Excellency the Governor of this State, and the superintendent of the Western and Atlantic Railroad, be requested to make such reduction in the present rates of freight on pig-iron, bar-iron, and on all other kinds of iron which are or may be manufactured in Georgia, as will encourage the making of Georgia iron and the development of the immense mineral wealth of the State, by encouraging capitalists to embark their capital in the iron business, provided, that no iron shall at any time be carried over the State road so low that the State will not receive a reasonable profit by its transportation.

*Resolved,* That the superintendent of the W and A. Railroad, be requested to have a sideling constructed on such road at such convenient point near the Limekiln of McKey and Sheets, in Cass county, as the Chief Engineer of the road may on examination determine to be most safe; provided, said McKey and Sheets, or whoever else may occupy said sideling hereafter will give to said superintendent or any that may succeed him, bond with good security, to be approved by such superintendent, to indemnify the State against any damage which may occur to said road on account of the construction and keeping up of said sideling.

Mr. Fields introduced a bill to be entitled an act to authorize John Boon of the county of Milton, to practice medicine, and to charge for and collect compensation for the same by law; which was read the first time.

Mr. McConnell introduced a bill to be entitled an act to compel parties plaintiff in certain actions to give bond and security to defendants, and to authorize defendants to recover damages upon said bond in certain cases; which was read the first time.

Also, a bill to be entitled an act to define and prescribe the time of holding the Superior and Inferior Courts of the Cherokee Circuit: which was read the first time.

On motion of Mr. Harris of Worth, the rules were suspended, and the following bill of the House of Representatives was taken up and read the first time, to-wit:

A bill to be entitled an act to compensate certain persons therein named.

On motion of Mr. Roberts the rules were further suspended, and the following bill of the House of Representatives was taken up and read the first time, to wit:

A bill to be entitled an act for the relief of Thomas Highsmith.

On motion of Mr. Smith the rules were further suspended and the following bill of the House of Representatives was taken up and read the first time, to wit:



A bill to be entitled an act to appropriate the sum of fifteen hundred dollars to the building of a turnpike and bridge across Spring Creek, west of the town of Colquitt in Miller county.

On motion of Mr. Dawson the rules were further suspended and the following bill of the Senate was taken up, read the second time, and referred to the committee of the whole, to wit:

A bill to be entitled an act to legalize the purchase of real estate by Mrs. Clementine Bellingslea, administratrix of James T. Billingslea, late of the county of Greene.

On motion of Mr. Bryan the rules were further suspended and the following bill of the House of Representatives was taken up, read the second time, and referred to the committee of the whole, to wit:

A bill to be entitled an act to change the time of holding the Superior and Inferior Courts of the county of Wayne.

On motion of Mr. Hill of Harris the report of the committee on the Judiciary upon the memorial of Hon. Howell Cobb of Houston county in relation to a new edition of his Analysis and Forms was taken up, and the resolutions recommended by the committee were read and agreed to.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President.*—The House has passed the following bills, to wit:

A bill to be entitled an act to authorize the Mayor and Aldermen of the city of Savannah and hamlets thereof and their successors in office to institute a system of drainage for the same under certain conditions therein named.

A bill to be entitled an act to amend an act entitled an act to amend the various acts in relation to the City Court of Savannah, to add to the jurisdiction and powers of said Court, and for other purposes therein named, assented to December 22d, 1857, and for other purposes.

Mr. Young of Union, from the committee to examine physicians, made the following report:

The committee to examine physicians have considered

A bill to be entitled an act for the relief of Hiram S. Creech, and recommend that the bill do not pass.

The committee have also considered

A bill to be entitled an act authorizing Samuel Irwin of the county of Henry to practice medicine on the Hydropathic system, to charge and collect compensation for his services, and recommend that the same do not pass.

ANDREW YOUNG, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Great Ohoopee Manufacturing company in Tattnall county, to build a

dam across a navigable stream, and for other purposes therein mentioned.

Mr. Stripling moved to amend the report by adding the following proviso to the seventh section of said bill.

Provided that a sufficient space be left open in said dam not less than twenty feet wide for free passage of rafts or other crafts, which was agreed to.

On motion of Mr. Cone the report as amended was then referred to the committee on the Judiciary.

Mr. Hill of Sumter, from a select committee, made the following report:

The select committee to whom was referred

A bill to be entitled an act to alter and change the time of holding the Superior and Inferior Courts of the county of Sumter, have considered the same and propose to amend the bill by striking out the words "2d Monday in April and October" and inserting in lieu thereof the words "2d Monday after the 4th Monday in March and September," and with this amendment recommend that the bill do pass.

R. J. HILL, Chairman.

Mr. Mallard offered the following resolution, which was agreed to.

*Resolved*, That the Chair appoint a committee of three to wait on his Excellency the Governor and the Trustees of the University of Georgia, and inform them that the Senate is ready to receive them and resolve itself into a *Senatus Academicus*.

The Chair appointed Messrs. Mallard, Harris of Merriwether and Atkinson as that committee.

The committee appointed to wait on his Excellency the Governor and Board of Trustees of the University of Georgia having discharged the duty assigned them, report that his Excellency the Governor and the Board are ready to attend.

His Excellency the Governor and the Board of Trustees then appeared and took their seats.

The *Senatus Academicus* having spent some time in the transaction of its ordinary business, and on motion adjourned until 3 o'clock, P. M.

His Excellency the Governor and Board of Trustees then retired, and the Senate resumed its session.

On motion of Mr. Arnold the Senate then adjourned until 3 o'clock, P. M.

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EVENING SESSION 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Byrd the rules were suspended and the following bill was taken up, read the second time, and referred to the committee on New Counties and County Lines, to wit:

A bill to be entitled an act to lay out and organize a new county from the counties of Gordon, Cass, Cherokee, Pickens and Gilmer, and for other purposes.

Mr. Paine offered the following resolution which was taken up, read, and agreed to:

*Resolved*, That the Chair appoint a committee of three to wait upon his Excellency the Governor and the Trustees of the University of Georgia and inform them that the Senate is now ready to receive them and resolve itself into a *Senatus Academicus*.

In pursuance of which the President appointed Messrs. Paine, Slaughter and Edmondson as that committee.

The committee appointed to wait upon his Excellency the Governor and Board of Trustees of the University of Georgia having discharged the duty assigned them, reported that his Excellency the Governor and Board of Trustees are now ready to attend.

His Excellency the Governor and Board of Trustees then appeared and took their seats.

The *Senatus Academicus* having spent some time in the transaction of its ordinary business, his Excellency the Governor and Board of Trustees retired, and the Senate resumed its session.

On motion of Mr. Gresham the Senate then adjourned until half past 9 o'clock to-morrow morning.

### *SATURDAY, NOVEMBER 27th, 1858.*

9½ o'clock, A. M.

The Senate met according to adjournment.

On motion, leave of absence was granted to Messrs. Dawson, Jossey, Pope and Felton for a few days.

Mr. Tucker, from the committee on the judiciary, made the following report:

The committee on the judiciary have considered the following bills, to-wit:

A bill to be entitled an act to amend an act to amend the several acts in relation to the assignment of dower, assented to Feb. 21, 1850.

Also, a bill to be entitled an act to authorize the issuing of garnishments in this State, in favor of persons who have slave property in any free State which refuses to deliver up said slave or slaves, and for other purposes.

Also, a bill to be entitled an act to amend an act assented to December 22d, 1857, entitled an act to exempt from levy and sale certain property therein mentioned, assented to December 11th, 1841.

Also, a bill to be entitled an act to add an additional section to the tenth division of the penal code.

Also, a bill to be entitled an act to amend an act in relation to continuances.

Also, a bill to be entitled an act to abolish the public execution of criminals condemned to death, and to provide for their private execution, with the amendment attached to the bill.

Also, a bill to amend the third section of an act entitled an act to prescribe the manner in which the names of persons may be changed, and illegitimate children made legitimate, and to carry into effect the provisions of the Constitution upon that subject, and to prescribe the manner in which children may be adopted, approved March 6th, 1856.

Also, a bill to be entitled an act to amend an act approved Feb. 19th, 1856, to point out the mode of ascertaining the relief to which widows and orphans are entitled, and for other purposes.

Also, a bill to be entitled an act for the more speedy and effectual rendition of fugitives from justice.

Also, a bill to be entitled an act to change the laws of this State relative to the election of Attorneys and Solicitors General, when vacancies occur.

Also, a bill to be entitled an act to prescribe the mode and manner of foreclosing mortgages upon real estate; and recommend the passage of the bills.

The committee have also considered the following bills, to-wit:

A bill to be entitled an act to prohibit the forfeiture of defendants' bail bonds in criminal cases under the degree of felony, when the defendants are sick, and for other purposes.

Also, a bill to be entitled an act to authorize plaintiffs to hold to bail in cases sounding in damages, without first procuring an order for that purpose.

Also, a bill to be entitled an act to define and declare the duty of Clerks of the Superior and Inferior Courts of this State, and for other purposes.

Also, a bill to be entitled an act to prescribe the manner in which precincts may be established, altered, or abolished by the Inferior Courts of this State.

Also, a bill to be entitled an act to repeal an act to provide for the trial by the Superior Courts of this State, of any slave or slaves, or free persons of color charged with any capital offence against the laws of this State, approved Feb. 14, 1850.

Also, a bill to be entitled an act to compel free persons of color to leave the State, and for other purposes.

Also, a bill to be entitled an act to amend the acts of 1835 and 1837, as to the protection of free persons of color, and to point out the mode of trying the rights of freedom, and for other purposes; and recommend that the same do not pass.

The committee have also considered a bill to be entitled an act to declare the true intent and meaning of an act entitled an act prescribing the mode of manumitting slaves in this State, approved December 5th, 1801, and an act entitled an act supplementary to and more effectually to enforce an act prescribing the mode of manumitting slaves in this State, approved Dec. 19, 1818; and report the same back without any recommendation.

JOHN A. TUCKER, Chairman.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk:

*Mr. President:*—The House of Representative have passed with an amendment, the following bill of the Senate:

A bill to be entitled an act to lay out and organize a new county from the counties of Fayette and Henry, and for other purposes therein named.

On motion of Mr. Slaughter the rules were suspended, and the Senate took up a bill to be entitled an act to lay out and organize a new county from the counties of Henry and Fayette, and for other purposes therein named.

Mr. Slaughter moved that the amendment of the House of Representatives be concurred in, which was agreed to.

Mr. Mallard offered the following resolution which was taken up, read and agreed to:

*Resolved,* That a committee of three be appointed to wait on his Excellency the Governor and Board of Trustees of the University of Georgia, and inform them that the Senate is now ready to receive them and revolve itself into a *Senatus Academicus*.

In pursuance of which, the President appointed Messrs Mallard, Harris of Merriwether, and Atkinson as that committee.

The committee appointed to wait upon his Excellency the Governor and Board of Trustees having discharged the duties assigned them, report that his Excellency the Governor and Board of Trustees are now ready to attend.

His Excellency the Governor and Board of Trustees then appeared and took their seats.

The *Senatus Academicus* having spent some time in the transaction of its ordinary business, his Excellency the Governor and Board of Trustees retired, and the Senate resumed its session.

Mr. Arnold introduced a bill to be entitled an act to change the line between Henry and Clayton counties, which was read the first time.

Mr. Bloodworth of Pike introduced a bill to be entitled an

act to change the lines between the counties of Upson and Pike, which was read the first time.

Mr. Gibson introduced a bill to be entitled an act to amend the charter of the McBean company, which was read the first time.

Mr. Johnson of Paulding introduced a bill to be entitled an act to authorize the issuing of attachments and bail process in certain criminal cases, which was read the first time.

Mr. Price introduced a bill to be entitled an act for the relief of Yancy Brown, which was read the first time.

Mr. Harris of Merriwether introduced a bill to be entitled an act to change the name of the fund appropriated by the State of Georgia to educational purposes, which was read the first time.

Mr. Quillian offered the following resolution :

Whereas, Thomas R. R. Cobb, Esq., has devoted much time and attention to the great subject of the education of the youth of Georgia, and has on more than one occasion addressed the people upon the subject with power and effect,

*Resolved*, That a committee of three be appointed by the Senate to request him to lay before this body such a plan as he may think proper and practicable to insure the education of all the youth of the State.

Mr. Slaughter introduced a bill to be entitled an act to repeal the third and fifth sections of an act assented to Dec. 16<sup>th</sup>, 1811, entitled an act to amend the charter of the University of Georgia, which was read the first time.

Mr. Smith of Hancock introduced a bill to be entitled an act to change the 20<sup>th</sup> section of an act to carry into effect the amended Constitution of this State, in reference to the Ordinaries of said State, and for other purposes, assented to Jan. 21<sup>st</sup>, 1852, which was read the first time.

Mr. Wilcher introduced a bill to be entitled an act to change the line between the counties of Glascock and Jefferson, so as to add a portion of Jefferson to the county of Glascock, which was read the first time.

Mr. Thomas introduced a bill to be entitled an act for the relief of Sarah W. Mills, of the county of Gwinnett, which was read the first time.

On motion of Mr. Tucker the rules were suspended and the resolution previously offered by Mr. Riley of Lumpkin, relation to the per diem pay of absent Senators was taken up.

Mr. Tucker moved to amend the same by striking out the second resolution, which was an amendment to the original, which was agreed to.

The resolution as amended was then agreed to.

Mr. Hill of Harris, offered the following resolution, which was taken up, read and unanimously agreed to.

Whereas, we have learned with profound regret that the Honorable John E. Ward, of the county of Chatham, is about to resign his seat as Senator, therefore

*Be it resolved*, That his connexion with us has been agreeable, urbane and manly, and as President of the Senate, he has shown himself prompt, impartial and efficient. That Chatham county will lose a faithful representative, and the Senate of Georgia a presiding officer second to none. In his contemplated mission may the Ruler of all things guard and protect him in the land of the stranger and so shape his labors that they may redound to the interest and glory of China and America.

The hour for adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

#### AFTERNOON SESSION, THREE O'CLOCK, P. M.

The Senate met according to adjournment and was called to order by William B. Terhune, Esquire, Secretary.

The following communication was then read :

SENATE CHAMBER, NOV. 27, 1858.

*To the Senate of Georgia:*

Senators—I herewith resign into your hands the office of President of the Senate, and beg you to accept my most grateful thanks for the partial consideration which elevated me to that high position, and for the unvaried kindness and courtesy with which I have been treated by each one of you. With my best wishes for your success as Legislators, and for your individual happiness and prosperity, I am very gratefully your friend and obedient servant,

JOHN E. WARD.

On motion of Mr. Tucker the Honorable E. B. Arnold, Senator from the county of Henry, was called to the Chair for the purpose of organizing the Senate.

On motion of Mr. Tucker the Senate then proceeded to the election of a President of the Senate to fill the vacancy occasioned by the resignation of the Hon. John E. Ward, when upon receiving and counting out the ballots it appeared that the Honorable T. L. Guerry, Senator from the county of Randolph, was duly elected.

Mr. Colquitt moved that a committee of three be appointed to notify the President elect of his election, and conduct him to the Chair.

The Chair appointed Messrs. Colquitt, Hill of Harris, and Tucker, as that committee.

The President elect on taking the Chair, addressed the Senate and returned his acknowledgements for the honor conferred upon him.

On motion of Mr. Fambro, the Senate then adjourned until half past 9 o'clock, on Monday morning next.

*MONDAY, NOVEMBER 29th, 1858.*

NINE AND A HALF O'CLOCK, A. M.

The Senate met according to adjournment.

The Senate took up as the special order of the day the report of the committee of the whole on

A bill to be entitled an act to alter and amend the 3d and 7th articles of the Constitution of the State of Georgia, so as to reduce the number of members in both branches of the General Assembly.

And the amendment previously offered thereto by Mr. Atkinson.

Pending the consideration of which Mr. Atkinson moved to lay the report and amendment on the table for the balance of the session.

Upon agreeing to which motion Mr. Fambro required the yeas and nays, which being recorded were yeas 57, nays 50.

Those voting in the affirmative are Messrs :

Adams of Elbert,	Cooper,	McRea,
Adams of Rabun,	Cone,	Overstreet,
Akins,	Cumbie,	Paine,
Arnett,	Donaldson,	Roberts,
Arnold,	Fain,	Staten,
Atkinson,	Felton,	Stowers,
Ashley,	Golston,	Striplings,
Bennett,	Griffin of Calhoun,	Sutton,
Bloodworth of Carroll,	Hart,	Treadwell,
Bloodworth of Pike,	Harris of Walton,	Turner,
Briscoe,	Hays,	Walker,
Browning,	Hill of Sumter,	Webb,
Bryan,	Hixon,	West,
Bullard,	Jarrard,	Westbrooks,
Bush,	Johnson of Paulding,	Whitaker,
Byrd,	Knox,	Wilcher,
Castleberry,	Lockheart,	Williams of Terrell,
Cochran,	Mattox,	Williams of Berrien,
Collier,	McDonald,	Young of Irwin,



Those who voted in the negative are Messrs :

Banks,	Hammond,	Riley of Lumpkin,
Bartlett,	Harris of Worth,	Shepherd,
Beall,	Hill of Harris,	Shropshire,
Billups,	Hill, of Troup,	Slaughter,
Brown,	Holcombe,	Spalding,
Colquitt,	Jamison,	Stokes,
Crowder,	Mallard,	Strickland,
Dawson,	McConnell,	Stubbs,
Darden,	McGuire,	Tate,
Drake,	Morell,	Thomas,
Fambro,	Mounger,	Tucker,
Fields,	Neal,	Ward,
Gibson,	Pope,	Warthen,
Graham,	Quilian,	Wilcoxson,
Gresham,	Reid,	Williams of White,
Harris of Merri-	Reynolds,	Wooten,
wether,	Robinson of Talbot,	Young, of Union,

So the motion to lay on the table for the balance of the session prevailed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prescribe the mode and manner of foreclosing mortgages upon real estate.

Mr. Hill of Harris, moved to amend the report by striking out the words "six months," in the first section of said bill and by inserting in lieu thereof the words "by or before the first day of the next term thereof," which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

Mr. Briscoe, from the committee on Enrollment, reports as duly enrolled and ready for the signature of the President of the Senate,

An act to lay off and organize a new county out of the counties of Fayette and Henry, and for other purposes herein named.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Inferior Courts to appoint commissioners to run and mark disputed county lines, &c.

Mr. Bloodworth of Pike, moved to amend the report by adding the following section to said bill:

*And be it further enacted,* That the counties interested shall divide the expenses for running and marking the lines aforesaid, which was agreed to.

Mr. Slaughter moved further to amend the report by adding the following section to said bill:

*And be it further enacted,* That nothing in this act contained, shall be so construed as to effect any private rights which may be involved in a question of boundary between counties, which was agreed to.

Mr. Williams moved that the report as amended be laid on the table for the balance of the session, which was agreed to.

The President laid before the Senate numerous reports of Senators upon the subject of education, made to the *Senatus Academicus*, and by that body referred to the Senate.

And which reports, on motion of Mr. Williams of Terrell, were referred to the committees of both branches of the General Assembly on Public Education.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to lay out and organize a new county from the counties of Union, Fannin and Gilmer, and for other purposes therein named.

Mr. Gibson moved to amend the report by filling up the blank in the first section of said bill for the name of the county with "Féw," which was agreed to.

Mr. Young of Union, moved further to amend the report by filling up the remaining blanks in the second section of said bill with the word "present," and by adding the words "that the territory now belongs to," to said section, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the issuing of garnishments in this State in favor of persons who have slave property in any free State which refuses to deliver up such slave or slaves, against persons in this State indebted to any citizen of such disloyal State and for other purposes.

On motion of Mr. Tucker the consideration of the report was postponed for the present and made the special order for Wednesday next.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to alter and change the time of holding the Superior and Inferior Courts of the county of Sumter.

The special committee to whom the same was referred moved to amend the report by striking out the words "2d Mondays in April and October," and by inserting in lieu thereof, the words "2d Mondays after the 4th Mondays in March and September, which was agreed to.

Mr. Tucker moved further to amend the report by adding the following section to said bill.

And be it further enacted that the Superior Courts of Chatahoochee county, shall be held on the third Monday in May and November, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act for the more speedy and effectual rendition of fugitives from Justice.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to authorize Hiram S. Creech of Scriven to practice medicine and to charge for the same.

Mr. Tucker moved to amend the report by inserting in the first section of said bill after the words "practice medicine" the words "in Scriven county," which was agreed to.

Mr. Hill if Harris moved further to amend the report by adding the following as a section to said bill.

And be it further enacted that the privileges of this act be extended to Mary Roberts of Richmond county, who is boss on burns and St. Vitus dance and the nervous system generally and hysterics in various incantations. Upon which a point of order was raised and the President of the Senate decided the amendment to be out of order, as the applicant had not been examined by the committee of the Senate to examine physicians.

The report of the committee being against the passage of the bill.

Mr. Thomas raised a point of order upon the report of the committee.

The President of the Senate decided that the committee having been appointed in pursuance of a resolution of the Senate passed at its last session, the duties of the committee did not expire with the last session and its action at this session is therefore legitimate.

From which decision of the President, Mr. Hill of Harris appealed and the decision of the chair was sustained.

The report was agreed to, the bill was read the third time, and upon the question shall this bill now pass? Mr. Harris of Worth, required the yeas and nays, which being recorded were yeas 60 nays 42.

Those who voted in the affirmative are Messrs :

Akins,	Harris of Walton,	Roberts,
Arnold,	Hill of Harris,	Riley of Lumpkin,
Beall,	Hill of Sumter,	Shepherd,
Billups,	Hixon,	Smith of Hancock,

Bloodworth of Pike,	Holcombe,	Staten,
Brown,	Jamison,	Stokes,
Bullard,	Jarrard,	Sutton,
Bryan,	Johnson of Fayette,	Tate,
Byrd,	Johnson of Pauld-	Thomas,
Castleberry,	ing,	Treadwell,
Collier,	Knox,	Tucker,
Colquitt,	Lockheart,	Turner,
Cooper,	Mallard,	Walker,
Cone,	McConnell,	Ward,
Crowder,	McDonald,	Warthen,
Cumbie,	McRea,	West,
Donaldson	Morell,	Westbrooks,
Fambro,	Overstreet,	Wilcher,
Fields,	Price,	Wilcoxson,
Holston,	Quillian,	Williams of White,
Gresham,		

Those who voted in the negative are Messrs:

Adams of Elbert,	Fain,	Pope,
Adams of Rabun,	Felton,	Reid,
Atkinson,	Gibson,	Reynolds,
Ashley,	Graham,	Robinson of Talbot,
Banks,	Griffin of Calhoun,	Slaughter,
Bartlett,	Hammond,	Strickland,
Bennett,	Hart	Stripling,
Bloodworth of Car-	Harris of Worth,	Stubbs,
roll,	Hays,	Webb,
Browning,	Hill of Troup,	Whitaker,
Bush,	Mattox,	Williams of Berrien,
Cochran,	McGuire,	Wooten,
Dawson,	Mounger,	Young of Irwin,
Darden,	Neal,	Young of Union,
Drake,		

So the bill was passed.

On motion of Mr. Mallard the rules were suspended for the purpose of offering a resolution.

Mr. Mallard offered the following resolution which was taken up, read and agreed to.

*Resolved*, The House of Representatives concurring, that the committee of the two Houses on Public Education and Free Schools be and they are hereby constituted a joint standing committee.

On motion of Mr. Roberts the rules were suspended, and the following bill of the House of Representatives was taken up, read the second time and referred to the committee of the whole, to wit:

• A bill to be entitled an act for the relief of Thomas H. Highsmith.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize Samuel Irwin of the county of Henry to practice medicine on the Hydropathic system to charge and collect compensation for his services.

Mr. Tucker moved to amend the report by inserting in the first section of said bill after the words "Hydropathic system" the words "in Henry, Clayton and Fayette counties," which was agreed to.

Mr. Atkinson moved further to amend the report by adding the following proviso to the first section of said bill.

Provided that no person licensed under this act to practice medicine shall in any case administer to his patients either horse sorrell or sheep sorrell tea, which was lost.

Mr. Crowder moved further to amend the report by adding the following section to said bill.

And be it further enacted that the provisions of this act be extended to E. F. Evans of Monroe county, who shall be entitled to practice on the Dutch, Durham and Indian system, which was lost.

The report as amended was then agreed to, the bill was read the third time and lost.

On motion of Mr. Bryan the rules were suspended and the Senate took up as the report of the committee of the whole, a bill of the House of Representatives, to be entitled an act to change the time of holding the Superior and Inferior Courts of the county of Wayne.

Mr. Bryan moved to amend the report by adding the following section to said bill.

Be it further enacted by the authority aforesaid that the first section of this act shall not commence to operate until the first day of June next, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Hill of Harris the rules were further suspended and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to pardon Burton A. Brooks of the county of Harris, now under sentence of death for the crime of Murder.

Mr. Hill of Harris, moved that the consideration of the report be postponed for the present and made the special order for Thursday next, which was agreed to.

Mr. Whitaker moved that the afternoon session be devoted to the reading of Senate bills the second time and house bills the first and second times, which was agreed to.

The hour for adjournment having arrived the President adjourned the Senate until 3 o'clock, P. M.

## AFTERNOON SESSION

THREE O'CLOCK, P. M

The Senate met according to adjournment.

On motion of Mr. Mallard, Mr. Bloodworth of Pike was added to the committee on public education and free schools.

Mr. Ward from the committee on Banks made the following report.

The committee on banks to whom was referred the several bills hereinafter mentioned have had the same under consideration and beg leave to make the following report.

A bill to be entitled an act to incorporate a bank, to be called the Planters Bank in the county of Decatur.

Your committee respectfully protest against the personal liability clause in said act, believing its only tendency is to deter men of prudence and means from taking stock in said institution and to invite reckless adventurers to make investments. The bill however being desired by the corporators in its present shape and without connecting themselves with what they deem objectionable features in the bill, recommend its passage.

A bill to be entitled an act to repeal the 19th section of an act to incorporate a bank in the city of Atlanta to be called the Bank of Fulton and for other purposes therein mentioned.

This bill being entirely local and your committee presuming that the Senator from Fulton, represents the wishes of his constituents recommend its passage.

A bill to be entitled an act to regulate insurance companies not incorporated in the State of Georgia.

Your committee recommend that this bill be amended as follows.

In the second section by striking out that portion requiring insurance companies of foreign countries to make investments in stock in the United States, your committee believing that said requirement would deter all those companies from doing any business in our midst.

They recommend that the 3d and 4th sections be stricken out entirely, the fifth section be amended by striking out the word "double," thereby only requiring the agent to deposit the amount, and not double the amount of any claim against the company. They recommend that the 7th section be amended by striking out the words "not less than one month nor more than twelve months and inserting in lieu thereof the words "not exceeding three months."

The effect that your committee desires this bill should have, is to drive from our State the agencies of all irresponsible in-

insurance companies, and to encourage and protect all those that are responsible and reliable; but your committee have some fears that its effect may be to drive them all from our midst; they therefore recommend that the bill be further amended so as to go into effect on the first day of October next, then should the bill have the effect which your committee fears it might, the Legislature which assembles soon after may modify or repeal it.

When so amended the committee recommend its passage.

B. F. WARD, Chairman.

Mr. Ward from the committee on Banks, made the following report:

The committee on Banks, to whom was referred the memorial of A. Alexander, David Mayer, and C. P. Solomon, beg leave to report, that after giving to said memorial a careful consideration, they are of opinion that to the Judiciary department of government properly belongs the redress of grievances of the character complained of in the memorial, and not to the Legislature. The rights and privileges of naturalized citizens are the same as those of native citizens, with some few exceptions, not involved in the subject of the memorial.

Insurance companies have the right under their charters to make bye-laws not inconsistent with the Constitution and laws of this State. The construction and interpretation of the laws belong to the Courts of the country, and they are competent to decide upon the legality of the acts of persons and corporations upon proper cases made out and presented before them. The Courts of the State are open to the redress of all injuries sustained by the persons or property of all her citizens or residents, and is also the tribunal to assess the amount of damages in all cases.

Your committee recommend no further action by the Senate on the subject.

All of which is respectfully submitted.

B. F. WARD, Chairman.

The following bills of the Senate were taken up, severally read the second time and referred to the committee of the whole,

A bill to be entitled an act to repeal that part of the 22d section of the act, approved December 30th, 1857, so far as relates to the Justices of the Inferior Court of Whitfield county, levying an extra tax on the citizens of said county.

Also, a bill to be entitled an act to repeal the 3d and 5th sections of an act, assented to December 16th, 1811, entitled an act to amend the charter of the University of Georgia.

Also, a bill to be entitled an act to alter and change the mode of electing the Marshal in the city of Marietta, Cobb county.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Courts of the counties of Wayne, Appling and Pierce, to appoint surveyors to define and mark the lines between said counties.

Also, a bill to be entitled an act to make the Governor of the State, and in his absence the oldest member of the board of trustees who may be present, President of said board.

Also, a bill to be entitled an act for the relief of Joel C. Roper, Christopher Dodd, and Abner G. Sims.

Also, a bill to be entitled an act for the relief of Benjamin T. Rees, Guardian for Gourveneur H. Embra, a minor, and to authorize said guardian to purchase a farm for the benefit of said minor's estate.

Also, a bill to be entitled an act for the relief of Mrs. C. F. Cooper of Sumter county, and her husband's securities.

Also, a bill to be entitled an act to prevent the escheat of the property of Curtis G. Gray of the county of Houston, and to carry out the intentions of said Gray, as to his estate.

Also, a bill to be entitled an act to require the Judges of the Inferior Court of Franklin county to appoint a board of commissioners, &c.

Also, a bill to be entitled an act amendatory of an act to make permanent the site of the public buildings of the county of Walton, at Monroe, and to incorporate the same, assented to 30th Nov. 1821.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court for the county of Dawson to levy an extra tax for the year 1859.

Also, a bill to be entitled an act to authorize the Inferior Court of the county of Madison, to sell the academy buildings and real estate of said academy and to collect the funds of the same, and when collected to be applied to the education of the poor children of said county.

Also, a bill to be entitled an act to incorporate the town of Alpharetta in the county of Milton, and to appoint commissioners for the same, and for other purposes.

Also, a bill to be entitled an act to incorporate an academy in the county of Thomas, and to appoint trustees for the same.

Also, a bill to be entitled an act to prevent non-residents of the county of Miller from camp hunting in said county of Miller.

Also a bill to be entitled an act to amend an act entitled an act to incorporate the Moccasin Turnpike Road Company in the county of Rabun, approved March 3d, 1856, and to grant certain privileges to the same.

Also, a bill to be entitled an act to incorporate the Methodist Episcopal Church at Prospect in the county of Thomas.

Also, a bill to be entitled an act authorizing the arrest by the Marshal of the village of Sparta, without warrant, and



confinement in the common jail of the county of Hancock, of all persons violating the laws passed by the commissioners of said village, against drunkenness, and other gross and immoral conduct in the streets of said village.

Also, a bill to be entitled an act to amend the charter of the McBean company.

Also, a bill to be entitled an act for the relief of Yancy Brown.

Also, a bill to be entitled an act to amend the Registry laws of the city of Savannah.

Also, a bill to be entitled an act for the relief and benefit of Mrs. Sarah W Mills of the county of Gwinnett.

Also, a bill to be entitled an act, to regulate the collection of jury fees in the Superior and Inferior Courts of Talbot county.

Also, a bill to be entitled an an act to incorporate Upson Camp Ground, and appoint trustees for the same, and other purposes therein mentioned.

Also, a bill to be entitled an act to confer upon the Mayor and Council of Atlanta certain powers, &c.

Also, a bill to be entitled an act to confer upon the Mayor and Council of the city of Atlanta certain powers therein specified, and for other purposes.

Also, a bill to be entitled an act for the relief of John Farmer and William Scott, securities on the penal bond of Newton Freeman, &c.

Also, a bill to be entitled an act to incorporate the Ellijay Gold and Copper Mining Company.

Also, a bill to be entitled an act to loan the credit of the State of Georgia to certain Railroad companies of this State, and for other purposes.

Also, a bill to be entitled an act for the relief of Thomas Turner of Whitfield county, from all disabilities and liabilities on account of his intermarriage with Mary Turner his wife.

Also, a bill to be entitled an act to change the times of holding the Inferior Courts of the county of Walker.

Also, a bill to be entitled an act to incorporate the Springer Mountain Gold and Copper Mining Company.

Also, a bill to be entitled an act to authorize and require the Justices of the Inferior Court of Madison county to collect by suit or otherwise the remainder or unexpended portion of the academic funds now in the hands of the trustees of said Academy, or that may hereafter come into their hands, and when collected to be applied by them to the education of the poor children of said county, &c.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Bryan county to levy an extra tax

in the county of Bryan on the State tax for educational purposes.

Also, a bill to be entitled an act to repeal an act assented to December seventeenth, 1857, to render certain the compensation of teachers of poor children of the respective counties of the State, and to secure to poor children the benefit of the poor school fund, so far as relates to the county of Chatham.

Also, a bill to be entitled an act to incorporate the Protestant Episcopal Church in the city of Atlanta, Georgia, under the name and style of the Church Warden and Vestry of St. Philip's Church in the city of Atlanta.

Also, a bill to be entitled an act to give John B. Woodard the right to peddle without paying license.

Also, a bill to be entitled an act for the relief of R. G. Caruthers.

Also, a bill to be entitled an act to authorize and permit Wiley G. Davis of the county of Glasscock to practice dentistry and collect for the same without being compelled to pay tax on said profession.

Also, a bill to be entitled an act to incorporate the Marietta Paper Mill, and for other purposes.

Also, a bill to be entitled an act to remove, alter and amend an act entitled an act to make permanent the site of the public buildings in Polk county at Cedar Town, and to incorporate the same, assented to February 8th, 1854.

Also, a bill to be entitled an act to incorporate the town of Fort Gaines, and to define the corporate limits thereof.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Crawford county to levy and collect an extra tax for the purpose of building a jail in said county.

Also, a bill to be entitled an act to change the name of the Planter's and Mechanic's Bank of Dalton, Ga., to that of the Bank of Whitfield.

Also, a bill to be entitled an act to allow additional fees to clerks, &c.

Also, a bill to be entitled an act to allow teachers of poor children in Calhoun county to charge in their accounts for tuition for all books furnished said children, and to require the Ordinary to pay said accounts.

Also, a bill to be entitled an act to incorporate Young America Fire Company in the city of Columbus.

Also, a bill to be entitled an act to amend the road laws of this State so far as relates to the county of Polk, and to provide for the assessment and collection of a road tax in said county, &c

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Worth county to levy an extra tax to pay off the indebtedness of said county, commencing in 1859.

Also, a bill to be entitled an act to incorporate A. J. Miller Lodge No. 204 of free and accepted Masons, and to confer certain powers.

Also, a bill to be entitled an act to establish a tobacco inspection in the town of Canton, and provide for the appointment of inspectors.

Also, a bill to be entitled an act to change the time of holding the Superior and Inferior Courts of Schley county.

Also, a bill to be entitled an act to make void the survey of the first district of Rabun county, known as Dickerson survey.

Also, a bill to be entitled an act to authorize Eaton H. Howell, a one-armed man, and John Taylor, Sen., a decrepid and infirm man of the county of Ware, and Thaddeus Douglass of the county of Clinch, to peddle without paying a tax therefor.

Also, a bill to be entitled an act to authorize Joseph Porter, an infirm man of the county of Worth, to peddle in said county without paying license, &c.

Also, a bill to be entitled an act to authorize any Justice of the Inferior Court of the county to administer the oath of office to Justices of the peace.

The following bills were taken up severally, read the second time, and referred to the committee on the Judiciary:

A bill to be entitled an act to prohibit the sale or furnishing of lottery tickets to slaves or free persons of color, and to punish those who are guilty of a violation of this act, and for other purposes therein mentioned.

Also, a bill to be entitled an act to change the time of holding the Superior Court for Wilkinson county, and to allow said Court to hold two weeks, and to draw two panels of jurors.

Also, a bill to be entitled an act to define and describe the time of holding the Superior and Inferior Courts of the Cherokee circuit.

Also, a bill to be entitled an act to authorize the issuing of attachments and bail process in certain criminal cases.

Also, a bill to be entitled an act to compel parties plaintiff in certain actions to give bond and security to defendants and to authorize defendants to recover damages upon said bond in certain cases.

Also, a bill to be entitled an act to add an additional section to the 12th division of the Penal Code of this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act to make legal the issuing of certain grants to land, &c.

Also, a bill to be entitled an act to prevent the interference of free negroes in any manner with our slaves, and to punish the same.

Also, a bill to be entitled an act to authorize the vesting of

certain estates in the clerk of the Superior Court of this State, and for other purposes.

Also, a bill to be entitled an act to divorce James Holbrook from his wife, Ann Holbrook.

Also, a bill to be entitled an act to create a new Judicial Circuit, and to provide for the appointment and election of a Judge and Solicitor General for the same, and to fix the time for holding the Courts for the same.

Also, a bill to be entitled an act, to change the 20th section of an act to carry into effect the amended constitution of this State in reference to the ordinaries of said State, and for other purposes, assented to Jan. 21st, 1852.

Also, a bill to be entitled an act, to repeal so much of the act of 1825, as relates to licensing of physicians, and for other purposes!

Also, a bill to be entitled an act, to extend the jurisdiction of Justices Courts in certain cases therein named, and provide the mode of trial for the same.

Also, a bill to be entitled an act, to explain an act entitled an act, to amend an act, to exempt from levy and sale under execution property therein mentioned, assented to December 22d, 1857.

Also, a bill to be entitled an act, to amend the claims laws of this State.

Also, a bill to be entitled an act, to give to all persons who may sell or supply any description of timber, fire wood, or provisions to the owner, agent or superintendant of any steam saw mill, a lien on said mill and fixtures, &c.

Also, a bill to be entitled an act, to amend an act to carry into effect, that part of the first section of the third article of the Constitution, which requires the establishment of a Supreme Court, for the correction of errors and to organize the same, and to regulate the proceeding therein, approved Dec. 10th, 1845.

The following bills were taken up severally, read the second time and referred to the committee on new counties and county lines, to-wit:

A bill to be entitled an act to change the line between the counties of Colquitt and Worth.

Also, a bill to be entitled an act to lay out and organize a new county from the counties of Lowndes and Clinch.

Also, a bill to be entitled an act to lay out and organize a new county from the counties of Franklin and Habersham and to provide for the organization of the same.

Also, a bill to be entitled an act to change the line between Henry county and Clayton.

Also, a bill to be entitled an act to add lot of land No. 18 in the 7th district, originally Baldwin county now Jones, to the county of Twiggs.

Also, a bill to be entitled an act to change the line between the counties of Upson and Pike.

Also, a bill to be entitled an act to change the line between the counties of Glascock and Jefferson, so as to add a portion of Jefferson county to the county of Glascock.

Also, a bill to be entitled an act to change the line between Henry county and Clayton.

The following bills of the Senate were taken up, severally read the second time and referred to the Committee on Finance.

A bill to be entitled an act to alter and amend the tax laws of this State.

Also, a bill to be entitled an act to authorize and require the Treasurer to sign certain coupons, &c.

Also, a bill to be entitled an act to repeal the eighth section of an act to levy and collect a tax for each of the political years 1852 and 1853, and thereafter until repealed, approved January 9th, 1852.

The following bills of the Senate were taken up, severally read the second time and referred to the committee to examine physicians, to-wit :

A bill to be entitled an act to authorize John Russell of the county of Lumpkin to practice medicine in said county and to charge and collect for the same.

Also a bill to be entitled an act to authorize Absalom J. Betterton of Fulton county to practice medicine in this State and to charge and collect the usual fees for the same.

Also, a bill to be entitled an act to authorize John Boon of the county of Milton, to practice medicine and to charge for and collect compensation for the same by law.

The following bill of the Senate was taken up, read the second time and referred to the committee on the Penitentiary, to-wit :

A bill to be entitled an act to remove the Penitentiary and rebuild the same and for other purposes therein named.

The following bill of the Senate was taken up, read the second time and referred to the committee on Internal Improvements, to-wit :

A bill to be entitled an act to facilitate mining, operations for gold and for other purposes.

The following bill of the Senate was taken up, read the second time and referred to the committee on Public Education, to-wit :

A bill to be entitled an act to change the name of the fund appropriated by the State of Georgia to Educational purposes.

The following bills of the House of Representatives were taken up, severally read the second time and referred to the committee of the whole, to-wit :

A bill to be entitled an act to repeal an act entitled an ac

to amend the patrol laws of this State, approved February 20th, 1854, so far as relates to the county of Walker.

Also a bill to be entitled an act for the appointment of auditors in certain cases.

Also a bill to be entitled an act to alter and amend the 2d, 3d, and 4th sections of an act entitled an act completely establishing the line between the counties of McIntosh and Liberty, from the Altamaha river to the mouth of Big Mortar Swamp, from there to the north end of Black Beard Island, to be established by commissioners therein named, who shall be governed by the law now existing, passed A. D. 1793, assented to Dec. 22d, 1857.

A bill to be entitled an act for the relief of Marieam Chapman, of the county of Hall, executrix of the will of George Chapman, deceased, and for other purposes therein named.

Also a bill to be entitled an act to appropriate the sum of fifteen hundred dollars to the building of a turnpike and bridge across Spring Creek, west of the town of Colquitt, in Miller county.

Also a bill to be entitled an act relative to the issuing of executions.

Also a bill to be entitled an act relative to the division of property in the hands of administrators, executors and guardians.

Also a bill to be entitled an act to extend the writ of certiorari to possessory warrants.

Also a bill to be entitled an act authorizing witnesses residing out of this State to prove the execution of deeds and other instruments in writing, by making oath in writing under certain provisions herein named.

Also a bill to be entitled an act to compensate certain persons therein named.

Also a bill to be entitled an act to amend an act entitled an act to authorize and require the trustees of Trenton Academy to sell the same, together with the lot of land upon which it is located.

The following bills of the House of Representatives were taken up severally, and read the first time, to-wit:

A bill to be entitled an act to alter and amend the fiftieth section of the fourteenth division of the penal code.

Also a bill to be entitled an act to authorize Joseph Davison, of the county of Wilcox, to peddle in the counties of Wilcox, Dooley, Irwin and Pulaski, without paying taxes or obtaining license, and also to entitle Benjamin Thrower, of the county of Fulton to the same privileges.

Also a bill to be entitled an act to compensate the sheriffs of Jefferson county.

Also a bill to be entitled an act to make Justices of the Peace in the several militia districts of Marion county, commissioners of roads and patrols in their respective districts,

and to repeal an act to amend the patrol laws of this State, approved February the 24th, 1854, so far as relates to Marion county.

Also a bill to be entitled an act to allow John Cailey, a blind man, to peddle in the county of Walton without paying license, and allow William Douglass, of the county of Appling, the same privilege in the counties of Appling and Coffee.

Also a bill to be entitled an act to authorize the Georgia Railroad and Banking Company to build a branch road to the town of Eatonton, in Putnam county, and for other purposes.

Also a bill to be entitled an act to prevent the sale of spirituous liquors from one to five gallons in the county of Stewart, only on conditions therein named.

Also a bill to be entitled an act to incorporate the trustees of the Bigham Camp Ground, in Harris county.

Also a bill to be entitled an act to curtail the jurisdiction of the Supreme Court in criminal cases, and for other purposes, relating to the uniformity and stability of the decisions of said tribunal.

Also a bill to be entitled an act to authorize the Mayor and Aldermen of the city of Savannah and hamlets thereof, and their successors in office, to institute a system of drainage for the same, under certain conditions therein named.

Also a bill to be entitled an act to allow compensation for the consolidated index of plats to colonial and head right grants in the Surveyor General's office.

Also a bill to be entitled an act to incorporate the Scott Mining Company of Cherokee county.

Also a bill to be entitled an act to amend an act entitled an act to amend an act to carry into effect the 9th section of the third article of the Constitution, approved Dec. 1st, 1802.

Also a bill to be entitled an act to provide for the better regulation of the town of Crawfordville, as to eating tables kept by negroes, either free or slave, and for other purposes.

Also a bill to be entitled an act to prescribe the mode and manner of selecting, drawing and summoning tales jurors for the trial of criminal cases in the Superior Courts of the county of Chatham, and for other purposes herein mentioned.

Also a bill to be entitled an act to authorize Duke Hamil, of Clarke county, an infirm man, to peddle and vend goods, wares and merchandize in the counties of the Western Judicial Circuit, without a license for that purpose, as now required by law.

Also a bill to be entitled an act to authorize and permit Benjamin M. Bigby to marry again and protect him in so doing from the pains and penalties of bigamy.

Also a bill to be entitled an act to allow tax collectors in Decatur county, their commissions on insolvent executions.

Also a bill to be entitled an act to consolidate the offices of tax collector and receiver of tax returns of the county of Haralson.

Also a bill to be entitled an act to appropriate the sum of two hundred and forty dollars to the Inferior Court of Dade county.

Also, a bill to be entitled an act to amend the laws in relation to marriage and inheriting property in certain cases therein specified.

Also, a bill to be entitled an act to amend an act entitled an act for preventing and punishing vice, profaneness, and for keeping holy the "Lord's Day," commonly called Sunday, approved March 4, 1762.

Also, a bill to be entitled an act to amend an act to authorize the Trustees of Glynn County Academy to lease or sell the academy building and estate of said academy, and to protect the property and collect the funds of the same, and for other purposes therein named.

Also, a bill to be entitled an act to appropriate money for the compensation of G. W. Anderson and others, for the apprehension of the murderers of Samuel Landrum.

Also, a bill to be entitled an act to empower the grand jurors of the county of Appling to designate the children entitled to the benefits of the poor school fund, and for other purposes.

Also, a bill to be entitled an act to alter and amend an act to provide for the perfecting of titles to land where parties die and have bonds out for titles, assented to Dec. 22d, 1857.

Also, a bill to be entitled an act to amend an act entitled an act to amend the various acts in relation to the city court of Savannah, to add to the jurisdiction and powers of said court, and for other purposes therein named, assented to 22d December 1857, and for other purposes.

Also, a bill to be entitled an act to amend an act approved the 19th of December, 1829, to point out and regulate the manner of taking the testimony of females in certain cases, so as to include practicing physicians and school teachers in actual employment.

Also, a bill to be entitled an act to lay off the county of Pickens into school districts, provide for the election of treasurer, and for other purposes therein contained.

Also, a bill to be entitled an act to compensate certain persons therein named.

Mr. Hill of Troup, from the joint committee on the lunatic asylum, made the following report:

The joint committee of the Senate and House of Representatives, on the lunatic asylum, beg leave to report, that they have had the same under consideration, and are gratified to have it in their power to render a most favorable ac-



count of the condition and affairs of that interesting institution. The improvements heretofore authorized, and which have been in progress for the last four years, have nearly reached the point of completion. Your committee feel justified in saying that the year 1859 will dawn on Georgia, amply provided in every respect for the proper care and treatment of her unfortunate insane. It will indeed be a proud day for this good old Commonwealth, when she can point to this noble charity, equipped and perfect in all its parts, not only as an asylum for her afflicted children, but a witness, majestic and unanswerable, against the charge of legislative parsimony, so often made upon our State. In the matter of design and general appearance, the building reflects great credit on Mr. Fay, the accomplished architect, who has superintended it; whilst in every department, the work not only attests his careful supervision, but proves the skill and fidelity of the various contractors engaged in its construction. While it is admitted that our State has been tardy in her commencement to improve, it may still be said to her everlasting credit, that she has not failed to avail herself of every contrivance and invention, which can be promotive of health, comfort and sanity, in such an institution.

It has been found, in bringing the building to a complete finish, that there will be a deficit of about \$10,000 in the appropriations heretofore made. In explanation of which, it is proper to remark, that the estimate made in October, 1855, for the completion of the building, was \$125,000, which sum was asked of the Legislature of 1855-56. That estimate was made with great care and deliberation, and had the amount sought for been obtained, would have saved the necessity of any farther application to the Legislature, so far as the building proper is concerned. For some cause, however, only \$110,000 was appropriated, \$15,000 less than the amount asked for, notwithstanding the improvements were then in progress on the plan originally adopted, and which could not be well departed from. It was found in the summer of 1857, that the lopping off of the \$15,000, just alluded to, would probably cause a suspension of work before the next session of the General Assembly, although the proper authorities had practiced every plan of retrenchment and restriction in their power to adopt. On representation of these facts to Gov. Johnson, he ordered the work to proceed, pledging himself to the building commissioners, to recommend, in the most unqualified terms, the payment of all additional expenses necessary to be incurred. At that time the architect was required to make another estimate of the amount necessary, over and above the \$110,000, to complete the building. He reported \$11,000, as the probable deficit, on work done and to be done, by the 1st of January, 1858, which amount was

promptly and strongly recommended by the Governor, and liberally appropriated by the Legislature. In this last estimate, however, the architect was mistaken, as might very reasonably and naturally been the case. In finishing a building so complicated and extensive, there will necessarily be innumerable details of extra work, almost indispensable to a complete structure, yet never thought of till developed in the progress of the building. The result was, that the first estimate proved nearly correct, and that the extra work on the old contract amounted to \$1229.55; the details of which were exhibited and explained to your committee and adjudged by them to be proper and necessary items of expenditure.

It will be proper, next to state, that the heating, ventilating and lighting apparatus were not embraced in any specifications of improvement yet referred to. It was only at the last session, when the experience of other public buildings had demonstrated the safety, economy and great utility of this most admirable apparatus, that an appropriation was asked and granted for its introduction into our State Asylum.

It was found impossible to make an accurate estimate for the details of so novel an improvement, and it has happened that considerable carpenters' work and masonry, not originally contemplated, has been required, to adjust the apparatus to the building, and fit it for effective operation, amounting to \$1,350, or thereabout. As the last Legislature failed to appropriate anything for paving the areas and leveling the grounds about the institution, (\$2,000 being then asked for, it was found to be a matter of absolute necessity to have considerable work of this kind executed, to guard against the collection of water about the foundation of the main building, as well as in the grounds surrounding. Safety and health forbade all hesitancy in having this work done, and your committee take pleasure in endorsing both its value and importance. The vouchers show the cost to have been about one thousand dollars. A change in the mode of providing and distributing gas, far more safe and economical than the plan first agreed upon, has, with the additional fixtures, given rise to an expenditure of \$1,100, more than was originally estimated. The foregoing, with a few other small items of extra work and material, and the architect's commissions, amount to \$1,817.64 in the aggregate.

This last named sum, with the \$1229.55 expended on extra work of old contract, make a total of \$9047.19, necessary for payment of contracts already performed and going on to completion. To guard against all future demands, and provide for any extras which may arise, your Committee unanimously recommend an appropriation of ten thousand dollars, or so much thereof as may be necessary, for the completion of

the main building. It should be remembered by those who have any doubts as to the propriety of this demand, that the Institution has never received, at a single session of the Legislature, since the late improvements were commenced, the amount desired to carry out the plans in progress. In 1855-56, it failed by \$15,000 in obtaining the sum desired, and in 1857 the sum of \$9500 was stricken from the general bill. These statements are not made by way of complaint or reproach, but to show that this can be no unexpected or unreasonable requisition on the liberality of the Legislature.

The principal item of expense necessary to be incurred, and for which provision is most emphatically recommended by your Committee, will be, the construction of a brick wall around the entire buildings. At the last session, the sum of \$6,000 was appropriated for making brick for the purpose just indicated. It would seem, indeed, unwise and inconsistent, now that the larger portion of the brick are ready for use, not to afford the means of putting them up. The present wooden enclosure is frail and dilapidated, too contracted to allow of recreation, affording no safe-guard against the escape of patients, and impressing every one, especially the unfortunate inmates of the Institution, with a constant feeling of imprisonment. All these defects are proposed to be obviated in the contemplated wall. It can be built for \$15000, beyond all contingency, and such an appropriation is unanimously recommended by your Committee.

This will complete all the improvements designed or at all necessary at our State Asylum for the Insane, rendering it not only a structure of majestic proportions, but excelled by none in commodious arrangement and perfect adaption to the purposes of its erection. Not a dollar can be or ought to be demanded for further work; the establishment will be complete. Your Committee take for granted that the Legislature will not hesitate a moment in making some proper compensation to the Building Commissioners. Their duties have extended through a period of four years, and there are five in number. Not a dollar has been asked for or expected by them, till they could see, and rejoice with the public, in the consummation of their labors. It has been their duty to receive and determine on the various plans suggested and contracts proposed: to superintend the execution of reliable bonds for contracts on the building: to receive and disburse the fund appropriated, as necessity required, and to act as general Supervisors of the whole work in progress. A sub-committee was appointed from the Joint Committee, to look into the fiscal affairs and management of these Commissioners, who found their books kept in admirable style and their vouchers perfectly correct. The sagacity and energy they have manifested, as well as the labor they have performed, entitle them to the gratitude of the public, and a suitable reward from the

Treasury of the State. Your Committee are pleased to say that there was not a dissenting voice to paying them, as a body, \$5,000 for the services they have rendered.

The subject of the exclusion of idiots from the Asylum was a matter of consideration and discussion with the Committee. It seems, from the last Census of the State, that there are a sufficient number of idiots within its bounds, to overrun the Institution, if all were sent. This would inevitably thwart the purposes and pervert the very ends of an Insane Asylum, in fact, the Institution would, under such circumstances, be mis-named. If this be true, every idiot that is received, so far perverts the objects of the building. It certainly will not be held that there is sufficient room for both classes, for such is not the case, and even if it were, the association would be dangerous to the one and deleterious to the other. Idiots are generally harmless, and give their friends or family but little trouble; the very idea of restoration in their cases is a self-evident absurdity. On the contrary, the great and fundamental purpose of such an Institution as we have just erected, is to guard against the violence of many who are irremediably insane, and to restore to their proper minds many others whose reasons are temporarily darkened or dethroned. While it is due to candor to admit that dissension of opinion exist in the minds of your Committee on this important question, a majority have agreed to report favorably to the exclusion of idiots from the Asylum.

In conclusion, we must bear our cheerful testimony to the polite attention of Dr. Green, the able and accomplished Superintendent of the Asylum, during our late investigations. His devotion to every interest of the Institution is proverbial and his knowledge of its complicated details perfect. To his generous zeal and perspicuous explanations, we are chiefly indebted for the commencement and vigorous prosecution of the late improvements. Georgia owes him a debt of gratitude which posterity will help to pay; we owe him a debt of money, for his annual services, which should be provided for at once. It would be strange indeed, now that the field of his labors is immeasurably increased, that his salary should remain unchanged. Your Committee unanimously agree that his salary should be increased to \$2500 per annum, and recommend a change accordingly in the usual appropriation bill.

On motion of Mr. Briscoe, three hundred copies of the foregoing report of the joint committee on the Lunatic Asylum, were ordered to be printed.

On motion of Mr. Cone, the Senate then adjourned until half past nine o'clock to-morrow morning.

*TUESDAY, NOVEMBER 30th, 1858.*

9½ O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Shropshire moved to reconsider so much of the journal of yesterday as relates to the vote by which a bill to be entitled an act to alter and amend the 3d and 7th articles of the Constitution of the State of Georgia, so as to reduce the number of members in both branches of the General Assembly, was lost.

Mr. Tucker called the previous question; which being seconded, the main question was ordered to be put. The main question was then put, which was on agreeing to the motion to reconsider.

Upon agreeing to which motion, Mr. Spaulding required the yeas and nays, which being recorded were yeas 53, nays 59.

Those who voted in the affirmative are Messrs.

Banks,	Harris of Worth,	Shepherd,
Bartlett,	Hill of Harris,	Shropshire,
Beall,	Hill of Troup,	Slaughter,
Billups,	Holcomb,	Spalding,
Brown,	Jamison,	Smith of Hancock,
Castleberry,	Knox,	Stokes,
Collier,	Mallard,	Strickland,
Colquitt,	Marshall,	Stubbs,
Crowder,	McConnell,	Tate,
Dawson,	McGuire,	Thomas,
Darden,	Morell,	Tucker,
Drake,	Neal,	Ward,
Fambro,	Quillian,	Warthen,
Fields,	Reid,	Wilcoxson,
Gibson,	Reynolds,	Williams of White,
Graham,	Robinson of Talbot,	Wooten,
Gresham,	Riley of Lumpkin,	Young of Union,
Hammond,	Riley of Taylor,	

Those who voted in the negative are Messrs.

Adams of Elbert,	Donaldson,	Mounger,
Adams of Rabun,	Fain,	Overstreet,
Akins,	Felton,	Paine,
Arnett,	Gholston,	Price,
Arnold,	Griffin of Calhoun,	Roberts,
Atkinson,	Griffin of Twiggs,	Smith of Jefferson,
Ashley,	Hart,	Staten,

Bennett,	Harris of Merriweth-Stripling,	
Bloodworth of Carroll,	er,	Sutton,
Bloodworth of Pike,	Harris of Walton,	Treadwell
Bozeman,	Hays,	Turner,
Briscoe,	Hill of Sumter,	Walker,
Browning,	Hixon,	Webb,
Bryan,	Jarrard,	West,
Bullard,	Johnson of Fayette,	Westbrooks,
Bush,	Johnson of Paulding,	Whitaker,
Byrd,	Lockheart,	Wilcher,
Cochran,	Mattox,	Williams of Berrien,
Cooper,	McDonald,	Williams of Terrell,
Cone,	McRea,	Young, of Irwin,

So the motion to reconsider did not prevail.

Mr. Young of Union moved to reconsider so much of the journal of yesterday, as relates to the vote by which a bill to be entitled an act to lay out and organize a new county from the counties of Union, Fannin and Gilmer, and for other purposes therein named, was lost.

Upon agreeing to which motion Mr. Young of Union required the yeas and nays which being recorded, were yeas 42 nays 59.

Those who voted in the affirmative were Messrs:

Adams of Rabun,	Johnson of Fayette,	Stowers,
Atkinson,	Johnson of Paulding,	Sutton,
Ashley,	ing,	Tate,
Beall,	Knox,	Treadwell,
Bozeman,	McConnell,	Tucker,
Brown,	McDonald,	Turner,
Bush,	McGuire,	Walker,
Byrd,	McRea,	West,
Cochran,	Paine,	Whitaker,
Collier,	Quillian,	Wilcher,
Drake,	Roberts,	Williams of Terrell,
Fields,	Riley of Lumpkin,	Williams of White,
Holcombe,	Shropshire,	Wooten,
Jamison,	Staten,	Young of Union,
Jarrard,		

Those who voted in the negative were Messrs:

Adams of Elbert,	Fambro,	Mounger,
Aikens,	Felton,	Neal,
Arnett,	Gholston,	Overstreet,
Arnold,	Graham,	Reid,
Banks,	Gresham,	Reynolds,
Bennett,	Griffin of Twiggs,	Robinson, of Talbot,
Billups,	Hammond,	Spaulding,

Bloodworth of Car-	Hart,	Smith of Hancock,
roll,	Harris of Merri-	Smith of Jefferson,
Bloodworth of Pike,	wether,	Stokes,
Browning,	Harris of Walton,	Stripling,
Bryan,	Harris of Worth,	Stubbs,
Bullard,	Hill of Harris,	Thomas,
Castleberry,	Hill of Troup,	Ward,
Cooper,	Jossey,	Webb,
Cone,	Lockheart,	Westbrooks,
Crowder,	Mattox,	Wilcoxson,
Darden,	Marshall,	Williams of Berrien,
Donaldson,	Morell,	Young of Irwin,
Fain,		

So the motion to reconsider, did not prevail.

On motion of Mr. Roberts the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of Thomas H. Highsmith, the report was agreed to,

And pending the question shall this bill now pass? Mr. Cone raised a point of order upon the bill.

And the Hon. Mr. Billups being in the chair decided that the bill was a donation or gratuity as contemplated by the constitution of this State, and required a two-third vote in its favor to pass it.

From which decision of the chair Mr. Slaughter appealed, and the decision of the chair was not sustained.

The question recurring shall this bill now pass? Mr. Arnold required the yeas and nays, which being recorded were yeas 91 nays 16.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Griffin of Calhoun,	Price,
Akins,	Griffin of Twiggs,	Reid,
Atkinson,	Hammond,	Roberts,
Ashley,	Hart,	Robinson of Talbot
Beall,	Harris of Merri-	Shropshire,
Bennett,	wether,	Slaughter,
Bloodworth of Car-	Harris of Walton,	Smith of Hancock,
roll,	Harris of Worth,	Smith of Jefferson,
Bloodworth of Pike,	Hays,	Staten,
Bozeman,	Hill, of Harris,	Stokes,
Briscoe,	Hill, of Sumter,	Stowers,
Brown,	Hill of Troup,	Strickland,
Browning,	Hixon,	Sutton,
Bryan,	Holcombe,	Thomas,
Bullard,	Jamison,	Treadwell,

Bush,	Jarrard,	Tucker,
Byrd,	Johnson of Fayette,	Turner,
Castleberry,	Johnson of Paulding,	Walker,
Collier,	Jossey,	Ward,
Colquitt,	Knox,	Warthen,
Cooper,	Lockheart,	Webb,
Dawson,	Mattox,	West,
Darden,	Marshall,	Westbrooks,
Donaldson,	McConnell,	Whitaker,
Drake,	McDonald,	Wilcher,
Fambro,	McGuire,	Wilcoxson,
Felton,	McRea,	Williams of Berrien,
Fields,	Morell,	Williams of Terrell,
Gholston,	Mounger,	Williams of White,
Gibson,	Neal,	Wooten,
Gresham,	Paine,	Young of Union.

Those who voted in the negative are Messrs :

Adams of Rabun,	Cone,	Riley of Lumpkin,
Arnett,	Crowder,	Stripling,
Arnold,	Fain,	Stubbs,
Banks,	Graham,	Tate,
Bartlett,	Overstreet,	Young of Irwin,
Cochran,		

So the bill was passed.

On motion of Mr. Gibson, the bill just passed was ordered to be forthwith transmitted to the House of Representatives.

Mr. Tucker from the committee on the judiciary made the following report,

The committee on the Judiciary have had under consideration,

A bill to be entitled an act to repeal a part of the fifth section of the act organizing the Supreme Court.

And a bill to be entitled an act to define the powers of the Supreme Court of this State, relative to the reversal of its own decisions.

And report the same back to the Senate without any recommendation.

JOHN A. TUCKER, Chairman.

Mr. Johnson of Fayette, from the Committee on Finance made the following report, the Committee on Finance have had under consideration,

A bill to be entitled an act to alter and amend the tax laws of this State, and and recommend that the same do not pass.

Also an act to repeal the eighth section of an act entitled an act to levy and collect a tax for each of the political years 1852 and 1853, and until repealed, approved January 9th, 1852.

And recommend the same do not pass.

JAS. T. JOHNSON, Chairman.



Mr. Arnett introduced a bill to be entitled an act to amend an act passed December 22d, 1834, which was read the first time.

Mr. Atkinson introduced a bill to be entitled an act to provide for the payment of Grand and Petit Jurors, in Camden county, and for other purposes, which was read the first time.

Mr. Beall introduced a bill to be entitled an act to make valid all deeds of conveyance made and executed by Deputy Sheriffs in this State, and for other purposes therein named, which was read the first time.

Mr. Browning introduced a bill to be entitled an act to authorize the Inferior Court of the county of Thomas to levy an extra tax, sufficient at all times to pay the Petit Jurors of said county, which was read the first time.

Mr. Cooper offered the following resolution,

Whereas there exists great and almost universal dissatisfaction among the people throughout the State of Georgia, on account of the late decision of the Supreme Court in the case of Alexander J. Robison vs. Erasmus Beall, and whereas in the opinion of this Legislature, that decision was not in accordance with the policy of this State, but on the contrary has revived principles long since obsolete and void ! and whereas, as is well known, this dissatisfaction alone with two of the Judges, Henry L. Benning and Charles J. McDonald, and is of so wide and deep seated a character in the minds of the people, as to bring the Court into merited disrepute, and will most inevitably and speedily lead to its total abolition by the voice of the people, unless this feeling be allayed and their confidence in the Court be restored ;

*Therefore be it resolved*, By the Senate and House of Representatives of the State of Georgia in General Assembly met, that their Honors. Henry L. Benning and Charles J. McDonald be, and they are hereby advised and requested to resign their seats as Judges of the Supreme Court of the State Georgia.

Mr. Cone offered the following resolution,

*Resolved*, By the Senate that members be limited to ten minutes in the discussion of all questions or bills after Thursday next except by the consent of two thirds of the Senate.

Mr. Fain introduced a bill to be entitled an act to regulate the currency of the State of Georgia, and for other purposes therein named, which was read the first time.

Mr. Fambro introduced a bill to be entitled an act to compel all banking companies in this State to all bills put in circulation at any agency to redeem said circulation at said agency, which was read the first time.

Mr. Felton introduced a bill to be entitled an act to amend the 14th section of an act entitled an act to carry into effect the amended constitution of this State in reference to the Ordinaries of said State, and for other purposes, assented to January 21st, 1852, which was read the first time.

Mr. Gibson introduced a bill to be entitled an act to provide a more speedy mode for the collection of debts, &c. which was read the first time.

Also, a bill to be entitled an act to incorporate the Richmond Eclectic College, &c.; which was read the first time.

Also, a bill to be entitled an act to prevent the killing of game birds in Richmond county, within certain seasons of the year; which was read the first time.

Also, a bill to be entitled an act to compensate the Justices of Richmond county, and city of Augusta; which was read the first time.

Also, a bill to be entitled an act to amend the Penal laws of this State in relation to free persons of color and nominal slaves, &c.; which was read the first time.

Also, a bill to be entitled an act to repeal an act entitled an act to amend the 10th section of the 10th division of the Penal code: which was read the first time.

Also, a bill to be entitled an act to point out the mode and manner of drawing juries in this State; which was read the first time.

Also, a bill to be entitled an act for the preservation and protection of the rights of married women; which was read the first time.

Also, a bill to be entitled an act to prevent the peddling of Tobacco and Cigars by citizens of other States, without paying therefor; which was read the first time.

Mr. Bush introduced a bill to be entitled an act to authorize and require the Justices of the Inferior Courts of the several counties in this State to qualify road commissioners; which was read the first time.

Mr. Graham introduced a bill to be entitled an act to incorporate the town of Dawsonville, and for other purposes therein named; which was read the first time.

Mr. Harris of Worth, introduced a bill to be entitled an act to point out the mode of disposing of estray cattle within the county of Worth, &c.; which was read the first time.

Also, a bill to be entitled an act to compensate the Clerk of the Superior Court of the county of Worth, &c.; which was read the first time.

Mr. Hill of Harris, introduced a bill to be entitled an act to incorporate the Houston Manufacturing Company; which was read the first time.

Mr. Hill of Troup, introduced a bill to be entitled an act for the exclusion of idiots or congenital imbeciles in mind from the State Lunatic Asylum; which was read the first time.

Also, a bill to be entitled an act to legalize and make valid the acts of Samuel Curtright as Ordinary of the county of Troup; which was read the first time.

Mr. Johnson of Fayette, introduced a bill to be entitled an act to incorporate the town of Jonesborough in the county of Clayton, and provide for the election of commissioners and other officers; which was read the first time.

Also, a bill to be entitled an act to change and alter the line between Fayette and Clayton counties, so far as to include the residence of Elijah Glass, Manson Glass, Elisha Holt, and Patrick H. Allen, in the county of Clayton; which was read the first time.

Also, a bill to be entitled an act to amend the Judiciary act of this State, and to direct the manner of making trustees parties plaintiff or defendant in all suits or actions now pending, or may hereafter exist in the several Courts of this State; which was read the first time.

Mr. Johnson of Paulding, introduced a bill to be entitled an act to consolidate the offices of the Clerks of Ordinary and Inferior Court of Paulding county; which was read the first time.

Also, a bill to be entitled an act to amend an act to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, and other officers therein named, assented to December 22d, 1857; which was read the first time.

Mr. Jossey introduced a bill to be entitled an act to incorporate the Griffin Primary School of Medicine, established by doctor Edward F. Knott, in the city of Griffin; which was read the first time.

Mr. McGuire introduced a bill to be entitled an act to incorporate a bank in the city of Rome, to be called The Bank of Rome; which was read the first time.

Mr. McRea introduced a bill to be entitled an act to authorize Calphrey Clark of the county of Montgomery to practice Medicine, and charge and collect for the same; which was read the first time.

Mr. Mounger introduced a bill to be entitled an act for the relief and protection of Clerks of the Superior and Inferior Courts and Sheriffs of the several counties of this State which was read the first time.

Mr. Neal introduced a bill to be entitled an act to repeal an act changing the line between the counties of Columbia and Warren, so as to include the residence of John Adkins in the county of Warren; which was read the first time.

Mr. Overstreet introduced a bill to be entitled an act to change the time of holding the Inferior Courts of Emmanuel county from the 1st to the 2d Monday in July; which was read the first time.

Also, a bill to be entitled an act to compel non-residents in the county of Emmanuel, owning summer residences in said county and driving annually therein large stocks of cattle, to pay taxes on said residences and cattle in said county; which was read the first time.

Mr. Paine introduced a bill to be entitled an act to make and declare Miss Fannie Graham of Perry, Houston county, Georgia, the heir at law of Dugal B. Graham of Lowndes county, Georgia; which was read the first time:

And offered the following resolution:

Whereas, it is the duty as well as the pleasure of a people, to cherish the memory of their heroes and sages: And whereas, General James Jackson while in life, was the faithful servant and the zealous defender of the liberty of his country in the hour of her need, and was justly endeared to the hearts of his countrymen who have never been slow to appreciate worth, or to render grateful homage to the greatness of her sons:

*Be it therefore resolved, by the General Assembly of the State of Georgia,* That his Excellency the Governor be requested to employ a competent artist to paint a full length portrait of General James Jackson, and when finished, that the same be placed in the Executive Department.

Mr. Paine from the committee on Enrollment reports as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate:

An act for the relief of Thomas H. Highsmith.

Mr. Price introduced a bill to be entitled an act to incorporate the Agricultural Society of Cass county; which was read the first time.

Also, a bill to be entitled an act to incorporate Pine Log Camp-Ground in Cass county, appoint trustees for the same, and confer thereon certain privileges, &c.; which was read the first time.

Mr. Reid introduced a bill to be entitled an act to repeal an act assented to 22d December, 1857; which was read the first time.

Mr. Riley of Lumpkin, introduced a bill to be entitled an act to limit the power of the Inferior Court of Lumpkin county, in levying a tax for county and other purposes: which was read the first time.

Mr. Slaughter introduced a bill to be entitled an act to change the lines between the counties of Dougherty and Worth; which was read the first time.

Also, a bill to be entitled an act to authorize a competent surveyor to re-survey the first district of originally Wayne, now Charlton county; which was read the first time.

Mr. Smith of Hancock, introduced a bill to be entitled an act to alter and change the name of the village of Buffalo, in Hancock county; which was read the first time.

Mr. Strickland introduced a bill to be entitled an act to authorize the issuing of Grants to such fractional lots of land as are embraced in the several counties of this State, heretofore known as the Cherokee purchase, and which fractional

lots have not been as yet disposed of by the State, by lottery or otherwise; which was read the first time.

And offered the following resolution,

*Resolved*, That the question of reduction be referred to the people at the next general election for members of the General Assembly, and that the Governor be requested to issue his proclamation at least two months before said election, to be published in all the public gazettes of the State to authorize the people to indorse on their tickets "reduction" or "no reduction" and that the managers of said election be required to return the same under oath to the Governor, to be submitted to the next General Assembly for their action.

Mr. Stubbs introduced a bill to be entitled an act to define and establish a fee bill for the Ordinary of the county of Bibb, which was read the first time.

Also, a bill to be entitled an act to alter and amend the eighteenth section of the fourteenth division of the Penal Code of this State, which was read the first time.

Also, a bill to be entitled an act to alter and amend the charter of the city of Macon, which was read the first time.

Also a bill to be entitled an act to add lot 619 in the 7th district, formerly Baldwin now Twiggs, to Bibb county which was read the first time.

Also a bill to be entitled an act to exempt one negro from levy and sale, which was read the first time.

Also, a bill to be entitled an act to add an additional section of the 6th division of the Penal Code of this State, which was read the first time.

Mr. Tate introduced a bill to be entitled an act to give to marble masons and stone cutters in this State a lien upon their work, which was read the first time.

Mr. Thomas introduced a bill to be entitled an act to refer the question of abolishing the Supreme Court to the people, which was read the first time.

Mr. Tucker introduced a bill to be entitled an act to point out the mode of collecting demands due from free persons of color in this State, which was read the first time.

Also a bill to be entitled an act, for the protection and encouragement of manufactories, mills, and other machinery propelled by water, and define the liability of the owners thereof, upon the several rivers, creeks and other water courses in this State, and to prevent a multiplicity of suits, which was read the first time.

Also, a bill to be entitled an act in relation to incorporations, which was read the first time.

Also, a bill to be entitled an act to amend an act, relative to bastardy, approved December 16th, 1793, which was read the first time.

Mr. Ward of Butts offered the following resolution :

*Resolved*, By the Senate and House of Representatives of

the State of Georgia in General assembly met, that the Governor be and he is hereby required to furnish the Choctaw nation with copies of the statute laws of Georgia, and the decisions of the Supreme Court as requested by said nation of Indians.

Mr. Warthen introduced a bill to be entitled an act for the relief of Creyton Powell of the county of Emanuel, which was read the first time.

Mr. West introduced a bill to be entitled an act to change the public site of the county of Lowndes and to provide for the selection of a new county site, and for other purposes which was read the first time.

Mr. Westbrooks introduced a bill to be entitled an act to authorize Ordinaries of this State to fine or imprison persons for contempt of their Courts, which was read the first time.

Mr. Wilcher introduced a bill to be entitled an act to compel the Ordinary of Warren county, acting as poor school commissioner to pay to the Ordinary of Glascock county, her proportion of the poor school fund for 1858, which was read the first time.

Mr. Whitaker, introduced a bill to be entitled an act for the relief of A. W. Stone guardian for William and Louisa Gofford, free persons of Fulton county &c., which was read the first time.

Also, a bill to be entitled an act to authorize the Inferior Court of Fulton county, to take stock in the Georgia Air Line Railroad, and issue bonds upon certain conditions, &c. which was read the first time.

Mr. Wilcoxson introduced a bill to be entitled an act to regulate the duties of Judges in certain cases and for other purposes, which was read the first time.

And presented the following memorial.

*To the Honorable the Senate and*

*House of Representatives:*

Your memorialists would represent unto your honorable body that they are bona fide holders of the bills of one or the other of the broken banks of the city of Columbus. By the terms of the charter of these banks, the stockholders in each, are expressly made liable for the ultimate redemption of the bills issued by such banks in proportion to the amount of stock held by each.

That suits have been instituted as far back as 1847 or '48, principally in the Courts of the county of Muscogee, where most of the stockholders reside, to enforce that liability and to collect of them the bills which the bank failed or refused to pay. So plain and explicit are the terms and provisions of said charters, imposing such liability, so well was it understood by the public when the bills were offered for circulation, an additional security for their payment, it was supposed.

ed that it was only necessary to institute suit. Show the failure of the bank, the number of stockholders and the amount held by each, to insure a recovery at once of the bills held by them respectively. But instead of this, they met a defence on the part of the stockholders, not only stubborn and bitter, but amounting almost to hostility and resistance, apparently willing to adopt any line of policy, or resort to any measure which, for the time, promised success.

The billholders undismayed by the character of the defence, relying confidently on the majesty of the law, and the justice of their claims, have never ceased to press them on all suitable and proper occasions. They have done so with varied success. At first, they failed before the local Courts; but on appeal to the Supreme Court they were eminently successful, composed as it was then of Judges Lumpkin, Warner and Nesbit, who, with Judge Starnes, repeatedly held that the claim of the billholder was not extinguished by the dissolution of the corporation, but might be asserted against the stockholder as well after as before, was not barred until twenty years had elapsed after the accrual of the cause of action with those decisions and the supremacy of the Court making them the billholders were enabled to remove the obstacles in the way of their success in the lower Courts.

At this stage of the litigation when the way seemed open to the billholder to recover his debt, the stockholders adopted a new line of defence, the principal feature of which was delay; evidently looking to a change in the members of the Supreme Court as their last and only hope.

Notwithstanding these suits have been prosecuted with all the energy which could be thrown into them on the part of the billholders; yet it will be perceived from the time of their commencement, that they have been attended with unusual delay; perhaps a greater effort has never been made to procrastinate a case or a class of cases.

In this connection, and as evidence of the truth of the remark just made, your memorialist will mention a single fact. Just before the close of the session of the Legislature of 1853-4. too late for it to be known and prevented, through the agency of a member from the county of Muscogee, who was one of the counsel for the stockholders, a near relative of one owning the greatest number of shares, and a stockholder himself, at the time sued, as a stockholder, the sittings of the Superior Court of that county were changed from the first Mondays in May and November to the fourth Mondays in June and December. In consequence of the Supreme Court for that district sitting in July and January, and the commencement of the Circuit immediately thereafter, not more than three or four weeks, including the Christmas holidays, was allowed for the transaction of the business of a Court which could not be completed in the eight or ten weeks heretofore

allotted it; scarcely time sufficient to relieve the jail, which economy and humanity require should be done in preference to any other business. The effect of this change, and doubtless such was the object and purpose of them by whom and at whose instance it was effected, was to postpone indefinitely those cases against the stockholders, to close on them doors of the Court and thus to defeat the right by denying or withholding the remedy. The sessions of the Legislature being at that time biennial the billholders were obliged to submit for that length of time, to this forcible and flagrant act of injustice and oppression. Very early in the next session they did what they were prepared to do for existing ills and injuries; memorialized that body, exposed not only the manner but the motives, of this change of the Court, when they responded in a manner alike creditable to their energy and sense of justice, and repealed the obnoxious act and restored to the Court the time of which it had been deprived, and that too, over the opposition of the same influence which originally produced it.

Your memorialists have referred to this fact for the purpose of showing what means are resorted to in the defence of these cases, and also as a precedent for the application they now make for relief for wrongs, if possible, more glaring, and evils less tolerable than those heretofore complained of. It will be remembered that in 1853, Judge Nesbit's term of office having expired, an election was then had for a Judge of the Supreme Court, when Col. Henry L. Benning was brought forward as a candidate. It was well known that Col. Benning was the son-in-law of Col. Seaborn Jones, who was a stockholder in one of these broken banks, and had been sued as such. That he was also the attorney for the estate of Gen. D. McDougald, who at same time had owned nearly, if not quite, half the stock of the Planters and Mechanics Bank, and liable for the same proportion of its bills, and that he had been generally associated in the defence of these cases. In view of these facts, and seeing that his election was so strenuously advocated by the stockholders and their friends, the billholders were apprehensive that his promotion to the bench at that time, and under the circumstances, might be done with some purpose connected with these cases. So thinking they believed it due to themselves and their rights, as did their counsel, to make known to the members of the Legislature the connection and relation of Col. Benning with those cases, and the parties involved, and to urge the same as an objection to his election.

Col. Benning and his friends feeling the force of these objections, and seeing the influence they were likely to exert on the election, met them promptly with the declaration of Col. Benning, that if elected, he should not preside in any case where he had been employed as counsel, and by many of his



friends that he would not preside in any of the bank cases. This assurance so promptly given by Col. Benning and his friends, was a complete answer to the objections, and well calculated to quiet the apprehensions of the billholders; and without which it is confidently believed he could not have been elected. Shortly afterwards one of the bank cases came before the Supreme Court; when the counsel for the billholder reminded Judge Benning of the assurance given by himself and friends on the occasion just referred to, and on account of his connection with said cases, and the parties respectfully requested that he would not preside in them. At the same time demonstrating to Judge Benning a fact (however of which he was well apprised,) that in consequence of the precise similarity of all these cases against the stockholders, he had as well preside in all as in one; as the judgment rendered in one would as effectually control and decide the rest as if pronounced in each case. A fact well known to all who are in the least acquainted with these cases.

Notwithstanding all this, your memorialists regret to say that Judge Benning persisted in his determination to preside and did so; and as was expected, dissenting from the other two Judges, delivered an opinion adverse to the billholders, they felt sensibly the impropriety and injustice of the course pursued by Judge Benning. But having the utmost confidence in the intelligence and firmness of his associates, Judges Lumpkin and Starnes, they preferred submitting to the wrong, oppression, as they felt it to be, rather than trouble the Legislature or the public with their complaints; and they yet believe it would not have been necessary to have done otherwise had not another change been made in the members of the Court, Judge McDonald succeeding to the place of Judge Starnes, after the election of the former it was ascertained that he too had been consulted in behalf of the stockholders, and had given a written opinion in their favor on a question vital to the claim of the billholders, to wit the statute of limitations.

When the case of Beall vs. Robison came before the Supreme Court at Macon in July last, seeing that both Judges Benning and McDonald were fully committed on the question of the statute of limitations, the only then supposed important point in that case, and fully aware of the anxiety manifested in the Court below for the trial of that case with the view, as openly avowed, that Judge Benning might preside on its trial in the Supreme Court, the counsel for the billholders not only deemed it expedient but believed that his duty to his client required that he should object to the compelling of those Judges to preside in that case. Your memorialists are happy to be able to say that Judge McDonald, sensible of the force of the objection urged as to him, and yielding to the rule adopted by Judges similarly situa-

ted from time immemorial, determined not to **preside**; Judge Benning, however, regardless of his former connection with the cases and his relations to some of the parties—the assurances of himself and friends previous to his election, and fully apprised that the case then before the Court was brought there with the view that he might preside on its trial, persisted still in his determination to do so, and not only presided, but disregarding the former solemn and respected adjudications of the Supreme Court on the same questions, and, as your memorialists believe, in obedience to opinions formed as counsel in those cases, and as he had done on all former occasions, decided adverse to the billholders.

It is this course of conduct on the part of Judge Benning, and its consequences, of which your memorialists complain. They believe that it is not only wrong in itself, but is an attempt to engraft on our system of jurisprudence a principle and a practice not only without but against all precedent, and dangerous to the proper administration of justice. They know that as to them and their cases, it is both unjust and oppressive. Having expostulated and protested in vain, your memorialists have no alternative but submission, or an appeal to the exercise of your constitutional powers by proper legislature or otherwise to change the present state of things, and arrest the disastrous consequences which must necessarily flow from them. They feel more justifiable in making this appeal at this time, since the failure of former Legislatures to adopt any restrictions or remedial measures in regard to this matter has been seized on by Judge Benning and his friends as an approval, on the part of the Legislature and the public, of the course pursued by him as Judge in regard to these cases. Your memorialists do not believe such an inference legitimate. But whether it is or not, they most earnestly request that your honorable body will, at as early a day as practicable, adopt such measures as will not only deprive Judge Benning of this apology for his conduct, but will effectually arrest and prevent it for the future, and afford the billholders the most ample protection against its consequences, and your memorialists, as in duty bound, will ever pray

A. J. Berry,	Catlett Campbell,	S W Moore,
John. E. Robinson,	Ephraim Maffett,	R. W. Mallory,
A. B. Wilkinson,	Jos. W. Anthony,	James H. Estes,
Robertson and Les-	John Ray,	W. C. Alford,
lie,	John W. Thomas,	W. L. Alford,
J. A. Partridge,	John E. Conyers,	Millard O'Neal,
Daniel Boozer,	Andrew Park,	T. W. Leslie,
William Park,	Daniel McWhitten,	John Hogg,
Hiram Hayls,	Augusts McGehee,	

Mr. Slaughter moved that the memorial be laid on the table for the balance of the session.

Pending the consideration of which the hour for adjournment arrived, and the President adjourned the Senate until 3 o'clock, P. M.

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EVENING SESSION.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

And resumed the consideration of the unfinished business of the morning, which was the motion to lay the memorial of certain citizens of Coweta, Merriwether and Troup counties on the table for the balance of the session.

Mr. Slaughter, upon request, withdrew the motion to lay the memorial on the table.

And Mr. Colquitt presented the following memorial from John A. Jones, which was read:

*To the General Assembly of the State of Georgia:*

As a friend of Judge Benning, I will, with your permission, notice charges made against him by the *Constitutionalist* of the 7th inst.

The Constitutionalist says that "this decision (the decision in Robison vs. Beall, made at Macon in last June term) independent of the error and the injustice which it involved, was unpalatable to the profession and to the people, because pronounced by two of the Judges of the Court—McDonald and Benning—*neither of whom ought to have presided in the case.* That is our opinion, and it is sustained by reasons which we feel will be satisfactory to our readers, to the profession and the public."

The Constitutionalist then proceeds to state these reasons. They are briefly as follows: 1st, that Judge Benning, when elevated to the bench, was the retained counsel of Daniel McDougald, deceased, the President of the Planter's and Mechanic's bank of Columbus, who owned nearly if not quite half the stock of that institution, and was, consequently, liable for the redemption of one-half of its bills.

2d, That Col. Seaborn Jones, the father-in-law of Judge Benning, is a stockholder in the Chattahoochee Railroad and Banking company, and that a number of suits are now pending against Col. Jones, some by billholders to recover the amount of their bills, some by other creditors to reach assets of the bank, and to compel him to pay up the unpaid seventy-five per centage of the stock, that it may be appropriated to the payment of their bills; and one heavy suit pending against him and the assignee of the broken Bank of Columbus, which has been brought by its creditors to compel him to account for assets of that Bank. which they

allege have been wrongfully converted and appropriated.

3d, That Judge Benning was the counsel of his father-in-law in all these cases, and 4th, when counsel at the bar united with other counsel in the defence of many others of the same class.

5th, That other facts might be given to show Judge Benning's connection with these Bank cases, and with many of the parties interested in them.

6th, That so intimate and notorious was his connection with them, that it was used as an argument against his elevation to the bench, and he was obliged and did promise not to preside in any of these Bank cases, *in which he was employed as counsel.*

7th, That with this promise he was elected, and soon afterwards in 1854, one of these Bank cases came before the Supreme Court at Decatur, when the counsel for the bill-holders respectfully requested Judge Benning not to preside in it, and when he declined to comply with the request, protested against his presiding.

8th, That the same request was made when the Bank case decided at Macon was called, and Judge Benning again declined to comply with it and presided, and with Judge McDonald pronounced a judgment which "arrests" all of the heavy Bank cases from Columbus."

These are the reasons which the Constitutionalist has for the opinion that Judge Benning ought not to have presided in the case and which he thinks will be satisfactory to its readers, to the profession and the public. And why? Because the law says they are sufficient? No, but because instinct says so. The language of the Constitutionalist is: "There is an instinct of propriety which condemns his conduct, without argument as well as against all argument," &c.

But the question is not one of instinct. Not even one of a Judge's private option; it is a question of mere law. A Judge has to follow the law, although the law may conflict with the general instinct, or even with his private instinct. If so, it is manifest that the test of the sufficiency of these reasons, supposing them true in fact, ought to be law and not instinct. Yet the Constitutionalist is satisfied to build its conclusion on instinct and common sense. It cites no statute, no case, no legal principle, no usage of Judges; and this, too, notwithstanding that Judge Benning, in the Decatur case referred to, has specially put his course upon the law and the Constitution, as read by the usage of the Judges, particularly stating what part of the same he relied on. See 16 Ga. Rep., 248. Even then if instinct does say that these reasons, if true, are sufficient, the question remains, what does the law say?

Judge Benning's view of what the law does say has been before the public and the profession for four years. It is

contained in the Decatur case, 16 Ga. 248. That view is simply as follows :

1st. When the law authorizes or commissions a Judge to preside in any case, it is his duty to preside in that case; much more if it requires him to preside in it. The law authorized and required him to preside in the case at Decatur and the case at Macon; therefore it was his duty to preside in them. Is the first of these three propositions true? Now I suppose it will be admitted by all that it is the duty of a Judge to preside in some of the cases in which the law authorized him to preside. But if the law makes no discrimination between one case and another, he can make none, and therefore it must be as much his duty to preside in one of the cases as in another. And if he can make no discrimination between one case and another, it must follow that it is his duty to preside in all the cases. What possible reason can there be why the law should authorize a Judge to preside in a case, except that it wished him to preside in it? But certainly, it will be admitted that it is the duty of a Judge to preside in all the cases in which the law has required him to preside.

The question, then, is on the second proposition—did the law authorize—did it require Judge Benning to preside in the cases aforesaid, notwithstanding the reasons alleged against his doing so?

Where are we to go for the law on this question? doubtless to the Constitution, to the organic act and to the usage of the Judges. The Constitution says that "the Supreme Court shall consist of three Judges." When we say that man consists of body and soul, we mean that it takes both body and soul to make man, and the Constitution does not say that a majority of the Court shall be authorized to do business, whereas, in the case of the two branches of the General Assembly it does not say that "a majority of each branch shall be authorized to proceed to business," it is extremely difficult then to resist the Conclusion that it takes all of three Judges, the Constitution being the test, to make the Court. The act organizing the Court says, "it shall be the duty of all the Judges of said Court to attend at each term of said Court, but if from providential cause any one of said Judges cannot attend a Court, such Court may be holden by two Judges;" by the organic act also then the implication is very strong that it is to take all of the three Judges to make a Court in every instance, except one that in which a Judge is prevented from attendance by providential cause, and it is hard to find a warrant in the Constitution for even this exception, but so far as the matter in hand is concerned, the exception is of no consequence, and may be treated as though it did not exist. Now what is the power and the duty of the Court thus required to consist of the three Judges? the Constitution it-

self tells; it says "and the said Court shall at each session in each district dispose of and finally determine each and every case on the docket of said Court at the first term after such writ of error brought, the Court having to consist of the three Judges, this directly authorizes and requires all of the three to dispose of and finally determine each and every case. What then do we get if we go to the usage of the Judges acting indiscriminately? What do we find that usages to have been? We find that when a case has come up in which a Judge was a party, or was interested, or in which a relation of his was a party, or was interested, or in which the Judge was of counsel while at the bar, he has retired from the bench, and we do not find that a Judge has done this when a case came up which was merely similar to one in which he was a party, or was interested, or in which a relative of his was a party, or was interested, or in which the Judge was of counsel while at the bar; on the contrary, in the latter cases, we find them sitting.

Judge Lumpkin has presided in these very bank cases from the beginning, and yet he had a brother-in-law (Col. Grieve) deeply interested in having the stockholders of both the Planters and Mechanics Bank and the Chattahoochee Railroad and Banking Company held liable. Col. Grieve is a twenty thousand dollar stockholder in the Bank of Columbus. The Bank of Columbus holds debts to a very large amount against the Planters and Mechanics Bank, of which debts upwards of \$100,000 are in bills of that bank. So the Bank of Columbus holds a large amount of debts against the Chattahoochee Railroad Bank, of which debts nearly \$50,000 are in bills of that bank. Besides the Bank of Columbus is itself insolvent, and unless it can recover these debts, its stockholders will not only lose all their stock, but will have to take up any of its bills that may be unpaid. Nay, Judge Lumpkin was himself a stockholder in the Bank of Columbus when it broke, and for some time afterwards, and although he sold his stock before he presided in the cases, yet he failed, I believe, to advertize the sale as required by the act of 1838, and that act declares that stockholders who transfer their stock, shall not thereby become exempt from liability unless they give notice once a month for six months of such transfer, and immediately thereafter in two newspapers in or nearest to the place where such bank or other corporation shall keep the principal office. Cobb, 112.

Of course I am not attacking Judge Lumpkin, he is entitled to my utmost respect, and he has it, on the contrary, I say he was right, under the Constitution and the law, and there has never been a whisper, so far as I know or believe, to the contrary, his personal interest was so remote as to be beneath notice, I merely refer to his course to show what had been the usage of the Court, when Judge Benning presided

in these two cases. If then we go to the usage of individual Judges for the law, we find it to be, that each of the Judges is authorized and required to preside in all cases excepting those in which he has an interest, or in which some relation of his has an interest, or in which he was of counsel while at the bar. And not excepting those which may be similar to cases in which he has an interest or in which some relation of his has an interest, or in which the Judge was of counsel while at the bar. Judge Benning had no interest in the cases in which he presided, nor did any relative of his, nor had he been of counsel in the cases. It follows that the law, whether we go for it to the Constitution or to the organic act, or to the usage of individual Judges authorized and required him to preside in the cases. He did no new thing. He merely followed the example set him by the other Judges, and that certainly was itself going very far, seeing that the Constitution says that the Court shall consist of three Judges, and that the Court shall "determine" each and every case on its docket. When only two Judges sit, if they differ, they can make no judgment, and so they fail to determine the case. Yet the Constitutionalist thinks that both, Judge Benning and Judge McDonald, should have retired from the bench. Its oracular language is "we have said that this decision, independent of the error and injustice which it enclosed was unpalatable to the profession and to the people, because pronounced by two of the Judges of the Court, McDonald and Benning, neither of whom ought to have presided in the case."

If they had retired it would certainly have broken up the Court; or does the Constitutionalist think one Judge can make a Court, his principle, however, would equally have carried the remaining Judge (Lumpkin) off the bench from his relation to Colonel Grieve. Thus, then, according to the principle of the Constitutionalist, the bench is to be stripped of every Judge, and the Court broken up in cases like the two under consideration, and that in the face of the Constitution, which says that the Court shall consist of three Judges, and that the Court shall determine each and every case. The law has provided no way of extemporizing tales Judges of Court *de circumstantibus*. If then the Constitution, if the organic act, if the usage of the Judges individually and not instinct, be the test, Judge Benning was both authorized and required to preside in the cases, even supposing the reasons aforesaid assigned against his proceeding, true in fact.

Well, if he was thus required to preside, he ought to have presided. But his case, it is true, was a hard one. If he did not preside he exposed himself to the charge of violating his sworn constitutional duty, and that from a base fear of personal consequences. If he did preside, he exposed himself to the galling charge from the ungenerous and the half informed, that he was a corrupt Judge. What could he do? Only

what he conceived his duty, leaving personal consequences to take care of themselves. He did that. He presided. But in doing so, he did not act upon any sudden or secret resolution. That he would do so was well known at and before the time when he was elected, and was freely used against him to prevent his election. He did not hesitate to let it be known on every suitable occasion during the canvass, that if elected, he would treat the bank cases like all other cases, and following the example set by the Judges, then and previously on the bench, preside in all of those cases in which he was not of counsel, and which no relative of his was interested. That was his open position before the elective body—the Legislature. His election was the endorsement of that position by that body. Thus then, he has the Constitution, the organic act, the usage of the other Judges, the sanction of the Legislature, that elected him, all in his favor.

I have been going on the supposition that the charges made by the Constitutionalist are true.

But are they true? The first is, that Judge Benning, when made Judge, was the retained counsel of McDougald, the President of the Planters and Mechanics Bank, and a very large stockholder in it. This charge is true. The firm of which Judge Benning was a member were, and had been for a good while, the general counsel of General McDougald.

The second charge is, that Col. Seaborn Jones, the father-in-law of Judge Benning, is a stockholder in the Chattahoochee Railroad and Banking Company, and that a number of suits are now pending against him, some by billholders, some by other creditors, to reach assets of the bank and to compel him to pay up the unpaid seventy-five per centage of the stock, and one heavy suit pending against him, and the assignee of the Bank of Columbus, to compel him to account for assets of that bank. It is true that Col. Jones is sued as a stockholder in the Chattahoochee Railroad and Banking Company, holding 300 shares of the stock out of 20,000, the capital being \$200,000 in shares of \$100 each, he however denying that he is legally a stockholder at all. But this is not the whole truth; the Bank of Columbus is the chief creditor of the Chattahoochee Railroad and Banking Company. The latter company has out between fifty and sixty thousand dollars in bills, and of these the Bank of Columbus holds nearly \$50,000, and the Bank of Columbus has no right to require from Col. Jones payment of any part of the debts it holds against the Chattahoochee Railroad and Banking Company, for it has made with him an agreement of which the following is a copy:

“In consideration of a contract this day made between the Bank of Columbus, and Jones and Benning, the Bank of Columbus agrees that said Bank will not require from Sea-



born Jones any part of what may be recovered by the said Bank of Columbus against the stockholders of the Chattahoochee Railroad and Banking Company, 16th February, 1843. This is in no event to affect the claim of the Bank of Columbus, against the said Bank and its stockholders.

M. GRIEVE,

J. R. JONES,

*Committee of the Bank Columbus."*

Then Col. Jones cannot be held liable as a stockholder for any debts of the Chattahoochee Railroad and Banking Company, except those not held by the Bank of Columbus. These being not large, his liability is no great matter; it being, counting his shares at 300, as 300 to 20,000; counting him not a stockholder, it is nothing. This is not all. The Bank of Columbus was the holder of the larger proportion of the debts against the Planters and Mechanics Bank of Columbus, of which debts more than \$100,000, were in bills of the Bank. And it was the further agreement with Col. Jones, that his firm was to receive five per cent. commissions on all sums collected on these debts, except sums collected from Gen. McDougald, for whom the firm were general counsel. What these commissions would come to, in case the stockholders were made and the money collected out of them, would be a good round sum, as any body may see, doubtless a sum at least equal to any which Col. Jones could be made liable for as a stockholder in the Chattahoochee Railroad and Banking Company. Thus far then, it would seem to be a small matter to Col. Jones personally, which way the bank cases went, as to the heavy suit pending against Col. Jones, and the assignee of the Bank of Columbus, the facts are about these in brief: When the Bank of Columbus failed, one of the oldest, if not the oldest, judgment against it, was a judgment soon afterwards transferred to Col. Jones, for about \$10,000. Col. Jones called on the assignee of the Bank for payment of this judgment. The assignee held a large amount of paper, say \$50,000 on Hall & DeBlois, a firm of Columbus, who were insolvent. It was agreed between the assignee and Col. Jones, that this paper should be turned over to Col. Jones with a right to compromise it, but if he did so, it was to be a satisfaction of the judgment, even if what he got was less than the judgment. The paper was turned over to him, and he did compromise it for about the amount of the judgment, a little more or a little less. The assignee has express authority to compromise debts. Hall & DeBlois were insolvent and continued so, until DeBlois' death, and Hall still continues so. They had a friend however, who was willing to endorse for them to the amount of the judgment. He did so, and thus they were enabled to compromise their paper with Col. Jones, at about the amount

of the judgment. It is obvious that this was an excellent arrangement for the bank, ~~as~~ stockholders and its creditors. It was \$10,000 to them. ~~But~~ nevertheless, one of the creditors objected to it, and filed a bill to set it aside, a bill which it is plain can result in nothing. And this is the heavy suit against Col. Jones and the assignee.

But suppose these allegations as to Col. Jones, were true to the full extent as charged, of what consequence would it be? The question in the two cases presided in by Judge Benning were questions growing out of the expiration of charters. But neither the charter of Chattahoochee Railroad and Banking Company nor that of the Bank of Columbus, had, or has yet expired. Those questions therefore were different from the questions in the suit against Col. Jones. The third charge that Judge Benning was counsel for his father-in-law in all his cases is true.

But the fourth, that Judge Benning, when counsel at the bar, united with other counsel in defense of many other cases of the same class, is not true. The only causes he took part in the defense of, were those he was employed in, with but one exception, and in that, the part he took was confined to a single question: the statute of limitations; and the cases he was employed in were very few.

With respect to the fifth charge, all I can do is to invite a statement of the other facts to which it refers, but which it does not give.

The sixth charge is, that so intimate and notorious was Judge Benning's connection with the bank cases, that it was used against his election to the bench, and he was obliged to promise, and did promise not to preside in any of them in which he was employed as counsel.

A promise implies parties, a promissor and promisee. A promise is a contract, a bargain. Now, I undertake to say, that Judge Benning did not make any promise or any pledge to any man or to any men, or make any contract or bargain with any man or any men, as to whether he would or would not, if elected, preside in any case whatever.

It is most true, that Judge Benning had a position on the question of his presiding in the bank cases, and that he made the position known on all suitable occasions; but this position was taken as a lawyer, not under any promise, pledge, agreement or understanding with any man. And that position was as has already been stated, that he should feel it his duty, if elected, to treat the bank cases like any other cases that might come before the Court, and following the usage of the other Judges, preside in all of those cases in which he was not of counsel, or in which no relative of his was interested. And it is also quite true, that his occupying this position was used as an argument against his election. It was

used most industriously, but yet he was elected; and that was an endorsement of his position by the Legislature. It is true, as said in the seventh and eighth charges, that Judge Benning was respectfully requested not to preside in the two cases, and that yet he did preside in them. And I think I have shown that in doing so, he did what the law required him to do. The law, whether drawn from the Constitution, the organic Act, the usage of the Judges, or the action of the Legislature in electing him, knowing that he would so preside.

I have gone through with this array of charges.

JOHN A. JONES.

Mr. Wilcoxson moved that 150 copies of the memorial of certain citizens of Coweta, Merriwether and Troup counties, to be printed for the use of the Senate, which was lost.

Mr. Slaughter moved that the memorial be laid on the table for the balance of the session.

Upon agreeing to which motion, Mr. Wilcoxson required the yeas and nays; which being recorded were yeas 75, nays 36.

Those who voted in the affirmative are Messrs:

Adams of Elbert,	Graham,	Paine,
Adams of Rabun,	Gresham,	Pope,
Aikins,	Griffin of Calhoun,	Price,
Arnett,	Griffin of Twiggs,	Quillian,
Atkinson,	Hammond,	Reid,
Ashley,	Hart,	Roberts,
Banks	Harris of Merri-	Robinson of Talbot,
Bartlett,	wether,	Shropshire,
Bennett,	Harris of Worth,	Slaughter,
Bloodworth of Car-	Hill of Harris,	Spalding,
roll,	Hill of Sumter,	Smith of Jefferson,
Bloodworth of Pike,	Hixon,	Stowers,
Bozeman,	Holcombe,	Stubbs,
Briscoe,	Jarrard,	Tate,
Browning,	Johnson of Fayette,	Treadwell,
Bullard,	Johnson of Pa'ding,	Tucker,
Bush,	Jossey,	Turner,
Byrd,	Knox,	Webb,
Collier,	Lockheart,	Westbrooks
Colquitt,	Mattox,	Wilcher,
Cone,	Marshall,	Williams of Berrien,
Dawson,	McConnell,	Williams of Terrell,
Fain,	McDonald,	Wooten,
Felton,	McGuire,	Young of Irwin,
Fields,	Morell,	Young of Union,
Gibson,	Mounger,	

Those voting in the negative are Messrs :

Arnold,	Gholston,	Stokes,
Beall,	Gordon,	Strickland,
Billups,	Harris, of Walton,	Stripling,
Brown,	Hays,	Sutton,
Bryan,	Hill of Troup,	Thomas,
Carlton,	Jamison,	Walker,
Castleberry,	McRea,	Ward,
Cochran,	Neal,	Warthen,
Cooper,	Reynolds,	West,
Crowder,	Shepherd,	Whitaker,
Drake,	Smith of Hancock,	Wilcoxson,
Fambro,	Staten,	Williams of White,

So the motion to lay on the table for the balance of the session prevailed.

The following message was received from the House of Representatives by Mr. Shropshire their Clerk :

*Mr. President* :—The House has passed the following bill of the Senate, to-wit :

A bill to repeal an act amendatory of the several acts of force in reference to the corporation of the city of Milledgeville, assented to December 22d, 1857.

The following message was received from his Excellency the Governor, by Mr. Macomb, his Secretary :

*Mr. President* :—The Governor has assented to the following bill, to-wit :

An act to lay off and organize a new county out of the counties of Fayette and Henry, and for other purposes here in named.

Mr. Williams of Berrien introduced a bill to be entitled an act to incorporate a railroad company to be called the Atlantic and Gulf Railroad Company, &c., which was read the first time.

On motion of Mr. Cone, 130 copies of the foregoing bill was ordered to be printed for the use of the Senate.

Mr. Williams of Terrell introduced a bill to be entitled an act to change the county line between Terrell and Randolph, which was read the first time

Mr. Williams of White introduced a bill to be entitled an act to compel persons owning property in the county of White, to return and pay taxes thereon in White county, which was read the first time.

Also, a bill to be entitled an act to alter and change the county line between the counties of White and Lumpkin, and for other purposes, which was read the first time.

Mr. Paine introduced a bill to be entitled an act to change the line between the counties of Pulaski and Telfair, which was read the first time.

Harris of Worth introduced a bill to be entitled an act

to alter and change the line between the counties of Worth and Dougherty, which was read the first time.

Mr. McDonald introduced a bill to be entitled an act to authorize his Excellency the Governor to sell all the land belonging to the State in and around the Okefenokee swamp, which was read the first time.

Mr. Gordon introduced a bill to be entitled an act to alter the time of holding the Superior Courts in the counties of Walker and Dade, which was read the first time.

Mr. Jamison offered the following resolution:

*Resolved*, That the Treasurer be requested to set forth distinctly in his annual report, the amount of per diem each member and each officer of the Senate and House of Representatives, and the amount of mileage paid to each member of the present General Assembly.

Mr. Hill of Harris offered the following resolution:

*Resolved*, That from and after the passage of this resolution, the Senate will meet at half past nine o'clock, A. M., adjourn at half past one o'clock, P. M., meet at three o'clock, P. M., adjourn at five o'clock, P. M., meet at half past seven o'clock, P. M., and adjourn at 9 o'clock, P. M.,

Mr. Ward, from the committee on banks, made the following report:

The committee on banks have considered a bill to be entitled an act to prescribe an additional penalty for disobedience by the several banks of this State, to the provisions of the act passed 22d December, 1857, touching annual and semi-annual reports, and offered as a substitute therefor,

A bill to be entitled an act to explain and enforce compliance by the banks of Georgia with the provisions of an act passed the 22d December, 1857, and recommend the passage of the substitute.

B. F. WARD, Chairman.

And on motion of Mr. Hill of Harris, the same was made the special order for to-morrow.

Mr. Harris of Worth, from the committee on new counties and county lines, made the following report:

The committee on new counties and county lines have considered a bill to be entitled an act to change the line between the counties of Worth and Colquitt, and recommend its passage.

The Committee have also considered a bill to be entitled an act to change the line between the counties of Upson and Pike, and recommend its passage.

The committee have also considered a bill to be entitled an act to change the line between the counties of Henry and Clayton, and recommend its passage.

The committee have also considered a bill to be entitled an act to lay out and organize a new county from the counties

of Gordon, Cass, Cherokee, Dickens and Gilmer, and report the same back to the Senate without any expression of opinion by the committee.

WM. A. HARRIS, Chairman.

On motion, leave of absence was granted to Messrs. Wooten and Riley of Lumpkin, for a few days, and the leave of absence of Mr Matthews was indefinitely extended on account of sickness.

The hour for adjournment havtng arrived, the President adjourned the Senate until half past 9 o'clock to-morrow morning.

WEDNESDAY, DECEMBER 1st. 1858.

NINE AND A HALF O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Shropshire moved to expunge from the journal of yesterday the memorial of certain citizens of Coweta, Merriwether and Troup and the memorial of John A. Jones upon the same subject.

Upon which motion Mr. Wilcoxson raised a point of order.

The President of the Senate decided that the motion to expunge could be entertained and was in order.

From which decision Mr. Strickland appealed, and upon the question shall the decision of the President stand as the judgment of the Senate? Mr. Hill of Harris required the yeas and nays which being recorded were yeas 47 nays 68.

Those who voted in the affirmative, are Messrs.

Adams of Rabun,	Hammond,	Roberts,
Akins,	Hart,	Shropshire,
Arnett,	Harris of Merri-	Slaughter,
Atkinson,	wether,	Spalding,
Bozeman,	Harris, of Worth,	Stubbs,
Browning,	Jamison,	Tate,
Bullard,	Johnson of Fayette,	Tucker,
Bush,	Johnson of Paulding,	Turner,
Byrd,	Knox,	Walker,
Colquitt,	Lockheart,	Ward,
Conchie,	McDuffie,	Webb,
Kyle,	McGuire	Westbrooks,

Gibson,	Morell,	Williams of Terrell,
Graham,	Mounger,	Wooten,
Griffin or Calhoun,	Price,	Young of Irwin,
Griffin of Twiggs,	Quillian,	Young of Union.

Those who voted in the negative, are Messrs.

Adams of Elbert,	Overstreet,	Donaldson,
Arnold,	Drake,	Paine,
Ashley,	Fain,	Pope,
Banks,	Fambro,	Reynolds,
Bartlett,	Felton,	Robinson of Talbot,
Beall,	Gholston,	Riley of Lumpkin,
Bennett,	Gordon,	Shepherd,
Billups,	Gresham,	Smith of Hancock,
Bloodworth of Car-	Harris of Walton,	Smith of Jefferson,
roll,	Hays,	Staten,
Bloodworth of Pike	Hill of Harris,	Stokes,
Briscoe,	Hill of Troup,	Strickland,
Brown,	Holcombe,	Stripling,
Bryan,	Hixon,	Sutton,
Carlton,	Jarrard,	Thomas,
Castleberry,	Jossey,	Treadwell,
Cochran,	Mattox,	Warthen,
Collier,	Mallard,	West,
Cooper,	Marshall,	Whitaker,
Cone,	McConnell,	Wilcher,
Crowder,	McDonald,	Wilcoxson,
Dawson,	McRea,	Williams of Berrien
Darden,	Neal,	Williams of White.

So the decision of the President was not made the Judgment of the Senate.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk:

*Mr. President:*—The House has agreed to the following joint resolution to-wit:

*Be it resolved,* By the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby resolved by the authority of the same, that the Senators and Representatives of the State of Georgia in the Congress of the United States, be and they are hereby requested, to ask for and use their best exertions to obtain an appropriation from the Treasury of the United States sufficient for the erection and construction of a Naval Depot on Blythe Island near the city of Brunswick in this State, and that a copy of these resolutions be forwarded by his Excellency the Governor to each of our Senators and Representatives in the Congress of the United States, and to which they ask the concurrence of the Senate.

Mr. Paine from the Committee on Enrollments, reports as duly enrolled and ready for the signature of the President of the Senate,

An act to repeal an act amendatory of the several acts in force, in reference to the corporation of the city of Milledgeville, assented to December 22d, 1857.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk :

*Mr. President* :—The House of Representatives has adopted a resolution that the General Assembly do adjourn sine die on Saturday the 11th inst., which I am directed to transmit forthwith to this branch of the General Assembly.

Mr. Stubbs from the Committee on the Judiciary made the following report.

The Committee on the Judiciary have considered,

A bill to be entitled an act to create a new Judicial circuit and to provide for the appointment and election of a Judge and Solicitor General for the same, and to fix the time for holding the Courts of the same.

And believe that a necessity exists for the formation of a new judicial circuit, but not agreeing as to the proper counties that should constitute such circuit recommend that the counties of Washington and Jefferson be added to the counties named and return the bill as amended to the Senate, without any recommendation.

The committee have also considered,

A bill to be entitled an act to amend the claim laws of this State, and recommend its passage.

The Committee have also considered,

A bill to be entitled an act to amend an act to carry into effect that part of the first section of the the third article of the Constitution, which requires the establishment of a Supreme Court for the correction of errors, and to organize the same and to regulate the proceedings therein, approved December 10th, 1845, and recommend its passage.

The Committee have also considered,

A bill to be entitled an act to prevent the interference of free negroes in any manner with our slaves and to punish the same, and recommend its passage.

The committee have also considered,

A bill to be entitled an act to authorize the vesting of cerestates in the clerks of the Superior Courts of this State, and for other purposes.

And propose to amend the bill by striking out the words "better entitled" and with this amendment recommend its passage.

The Committee have also considered,

A bill to be entitled an act to authorize the Judge of the Superior Courts of the Cherokee circuit, to appoint a Master in Equity, in each of the counties of said circuit, and to author.



ize the Judge to submit to such Master all matters of account, calculation &c., and to define the duty of such Master in Equity and to compensate for the same.

And offer as a substitute therefor,

A bill to be entitled an act to authorize the appointment of Master in Equity and define their duties, and recommend that the substitute do pass.

The committee have also considered,

A bill to be entitled an act to prohibit the sale or furnishing of lottery tickets to slaves and free persons of color and to punish those who are guilty of a violation of this act, and for other purposes therein mentioned.

And propose to amend the bill by inserting in the first section thereof after the word "slaves" the words "or any free white person under the age of twenty one years," and when so amended recommend its passage.

The Committee have also considered,

A bill to be entitled an act to authorize the issuing of attachment and bail process, in certain criminal cases, and recommend that the same do not pass.

The committee have also considered,

A bill to be entitled an act to add an additional section to the 12th division of the Penal Code of this State for purposes therein mentioned.

And propose to amend the bill by striking out the words "or labels" and by inserting after the words "attached thereto" the words "or shall deface, injure or destroy any monument, tombstone, head or footstone or any fence enclosing the same, and when so amended recommend its passage.

The Committee have also considered,

A bill to be entitled an act to divorce James Holbrook from his wife Ann Holbrook, and recommend that the bill do not pass.

The Committee have also considered,

A bill to be entitled an act to compel parties plaintiffs in certain actions to give bond and security to defendants, and to authorize defendants to recover damages upon said bonds in certain cases, and recommend that the bill do not pass.

The Committee have also considered,

A bill to be entitled an act to change the 20th section of an act to carry into effect the amended Constitution of this State, in reference to the Ordinaries of said State, and for other purposes, assented to January 21st, 1852, and recommend that the same do not pass.

The Committee have also considered,

A bill to be entitled an act to explain an act entitled an act to amend an act to exempt from levy and sale under execution, property therein mentioned, assented to December 22d, 1857, and report the same back to the Senate without any recommendation.

The Committee have also considered,

A bill to be entitled an act to repeal so much of the act of 1825, as relates to the licensing of physicians, and for other purposes, and report the bill back to the Senate, with the remark that we are not the appropriate committee and without any recommendation as to the passage of the bill.

The Committee have also considered,

A bill to be entitled an act to extend the jurisdiction of Justices Courts in certain cases therein named, and provide the mode of trial for the same, and report the same back to the Senate without any recommendation.

T P STUBBS, Chairman,

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk:

*Mr. President:*—The House has passed the following bill to-wit:

A bill to be entitled an act to provide for the codification of the laws of Georgia, which I am directed to transmit forthwith to this branch of the General Assembly.

On motion of Mr. Cooper the special order of the day was suspended, and the resolution previously offered by himself in relation to requesting Hon. H. L. Benning and Hon. Chas. J. McDonald to resign their seats on the bench of the Supreme Court, was taken up. Mr. Cooper moved to strike out of the resolution Hon. Charles J. McDonald,

Mr. Colquitt moved that the resolution be laid on the table for the balance of the session.

Pending the consideration of which, the hour of adjournment arrived and the President adjourned the Senate until 3 o'clock, P. M.

#### AFTERNOON SESSION.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

And resumed the consideration of the unfinished business of the morning which was the resolution in relation to requesting Hon. Henry L. Benning and Hon. Charles J. McDonald to resign their seats as Judges of the Supreme Court, and the motion to lay the same on the table for the balance of the session.

Mr. Thomas moved to suspend the consideration of the unfinished business of the morning for the purpose of intro-

ducing new matter and the reading of local Senate bills for the third time, which was agreed to.

Mr. Bartlett introduced a bill to be entitled an act to alter the third and seventh sections of the first article of the Constitution, which was read the first time.

Mr. Cooper introduced a bill to be entitled an act to protect religious societies in the exercise of their religious duties and for other purposes, which was read the first time.

Mr. Hill of Harris, introduced a bill to be entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authorities of said town, which was read the first time.

Mr. McGuire introduced a bill to be entitled an act for the relief of James Hagan, of the county of Floyd, which was read the first time.

Mr. Beall introduced a bill to be entitled an act to establish a uniform law on the subject of slander, which was read the first time.

Mr. Gordon offered the following resolution :

*Resolved by the Senate and House of Representatives in General Assembly met,* That his Excellency the Governor be and he is hereby authorized to furnish two copies of Cobb's New Digest and the Acts of '55 and '56, and the Acts of '57 and '58 to the Justices of the Peace in a new district created in the county of Walker, who have not been furnished.

Mr. Tucker, from the Committee on Judiciary, makes the following report :

The Judiciary Committee have had under consideration a bill entitled an act to make legal the issuing of certain grants to land, &c., and report the same back without any recommendation.

Also a bill to incorporate the Great Ohoopce Manufacturing Company of Tatnall county, &c., and report the same back to the Senate without any recommendation.

Also a bill entitled an act to encourage the improvement and settlement of vacant lands and protect innocent purchasers.

To which they propose an amendment and then recommend the passage of the bill.

Also a bill to amend an act to make valid all commissions which may have heretofore been or may hereafter be issued in blank for the purpose of taking testimony in any case arising, or which may have arisen in any of the Courts of law or equity in this State, and report the same back with a recommendation that it do not pass.

JOHN A. TUCKER, Chairman.

Mr. Young of Union, from a Select Committee, made the following report :

The Select Committee to whom was referred a bill to be

entitled an act to amend an act for ascertaining the rights of aliens, and pointing out a mode for admission of citizens, approved 7th Feb., 1785, and offer as a substitute therefor,

A bill to be entitled an act to extend the provisions of the act approved 7th Feb., 1785, so as to include real estate, and recommend the passage of the substitute in lieu of the original.

ANDREW YOUNG, Chairman.

Mr. Slaughter introduced a bill to be entitled an act to protect the rights of the people of Georgia from violation by Congress or by other States, which was read the first time.

Mr. Stripling introduced a bill to be entitled an act to incorporate the town of Reidsville, in the county of Tattnall, appointing commissioners and defining the limits of said town, which was read the first time.

Mr. Thomas introduced a bill to be entitled an act to explain and amend the sixth section of an act entitled an act to render certain the compensation of teachers of poor children of the respective counties of the State, and to secure to poor children the benefit of the poor school fund, which was read the first time.

Mr. Harris of Worth, introduced a bill to be entitled an act to amend the various acts in relation to the division of this State into Congressional districts, which was read first time.

Mr. Williams of Terrell, introduced a bill to be entitled an act to change the manner of the election of Treasurer and Marshal of the town of Dawson, which was read the first time.

Mr. Reid introduced a bill to be entitled an act to authorize E. N. Beazley, of Taliaferro county, to practice medicine and charge for and collect the same, which was read the first time.

On motion of Mr. Arnold the rules were suspended and the joint resolution of the House of Representatives in relation to the adjournment of the General Assembly on the 11th inst., was taken up and read.

Mr. Gibson moved that the resolution be laid on the table for the present.

Upon agreeing to which motion Mr. Bloodworth of Carroll, required the yeas and nays, which being recorded were yeas 45, nays 57.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Graham,	Shepherd,
Akins,	Gresham.	Shropshire,
Ames,	Griffin of Calhoun,	Stokes,
Abley,	Griffin of Twiggs,	Sutton,
Banks,	Harris of Worth,	Tate,
Barrett,	Hixon,	Thomas,
Barnes,	Jarrard,	Tucker,

Briscoe,	Johnson of Fayette,	Turner,
Bullard,	Johnson of Paulding,	Webb,
Byrd,	Marshall,	West,
Cochran,	McConnell,	Westbrooks,
Cumbie,	Mounger,	Wilcher,
Fain,	Paine,	Williams of Terrell,
Felton,	Quillian,	Williams of White,
Gibson,	Reid,	Young of Union.
Gordon,	Riley of Lumpkin,	

Those who voted in the negative are Messrs :

Adams of Elbert,	Donaldson,	Neal,
Arnold,	Drake,	Overstreet,
Atkinson,	Fambro,	Pope,
Bennett,	Fields,	Reynolds,
Billups,	Gholston,	Roberts,
Bloodworth of Car-	Hart,	Slaughter,
roll,	Harris of Merri-	Smith of Hancock,
Bloodworth of Pike,	wether,	Smith of Jefferson,
Brown,	Harris of Walton,	Staten,
Browning,	Hays,	Stowers,
Bryan,	Hill, of Harris,	Strickland,
Bush,	Hill of Troup,	Stripling,
Carlton,	Jamison,	Stubbs,
Castleberry,	Knox,	Treadwell,
Collier,	Mattox,	Walker,
Colquitt,	Matthews,	Whitaker,
Cooper,	McDonald,	Wilcoxson,
Cone,	McGuire,	Wooten.
Crowder,	McRea,	Young of Irwin,
Darden,	Morell,	

So the motion to lay the resolution on the table for the present did not prevail.

Mr. Paine moved to amend the resolution by striking out "11th," and inserting in lieu thereof, "3d."

Mr. Bloodworth of Carroll, called the previous question. Upon the seconding of which Mr. Johnson of Fayette, required the yeas and nays, which being recorded were yeas 59, nays 49.

Those voting in the affirmative are Messrs :

Adams of Elbert,	Cumbie,	Morell,
Akins,	Dawson,	Overstreet,
Arnett,	Darden,	Pope,
Arnold,	Drake,	Reynolds,
Beall,	Donaldson,	Roberts,
Bennett,	Fields,	Smith of Hancock,
Billups,	Gholston,	Smith of Jefferson,

Bloodworth of Car-	Hart,	Staten,
roll,	Harris of Merriweth-	Stokes,
Bloodworth of Pike,	er,	Stowers,
Brown,	Harris of Walton,	Strickland,
Browning,	Hill of Harris,	Stripling,
Bryan,	Hill, of Troup,	Stubbs,
Bush,	Holcombe,	Treadwell,
Byrd,	Jamison,	Walker,
Castleberry,	Knox,	Ward,
Collier,	Lockheart,	Warthen,
Colquitt,	Mattox,	Webb,
Cooper,	Matthews,	Wilcher,
Cone,	McDonald,	Wooten,
Crowder,	McRea,	

Those who voted in the negative are Messrs :

Adams of Rabun,	Hammond,	Shepherd,
Atkinson,	Harris of Worth,	Shropshire,
Ashley,	Hays,	Slaughter,
Banks,	Hixon,	Sutton,
Bartlett,	Jarrard,	Tate,
Briscoe,	Johnson of Fayette,	Thomas,
Bullard,	Johnson of Pauld-	Tucker,
Cochran,	ing,	Turner,
Fain,	Marshall,	West,
Fambro,	McConnell,	Westbrooks,
Felton,	McGuire,	Whitaker,
Gibson,	Mounger,	Wilcoxson,
Gordon,	Neal,	Williams of Terrell,
Graham,	Paine,	Williams of White,
Gresham,	Quillian,	Young of Irwin,
Griffin of Calhoun,	Reid,	Young, of Union,
Griffin of Twiggs,	Riley of Lumpkin,	

So the call for the previous question was seconded.

Upon the question shall the main question be now put?  
**Mr. Harris of Worth** required the yeas and nays, which being recorded were yeas 65, nays 43.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Drake,	Overstreet,
Akins,	Fambro,	Pope,
Arnett,	Fields,	Reynolds,
Arnold,	Gholston,	Roberts,
Beall,	Graham,	Smith of Hancock,
Bennett,	Hart,	Smith of Jefferson,
Billups,	Harris of Merri-	Staten,
Bloodworth of Car-	wether,	Stokes,
-roll,	Harris of Walton,	Stowers,
Bloodworth of Pike,	Hill of Harris,	Strickland,

Brown,	Hill of Troup,	Stripling,
Browning,†	Holcombe,	Stubbs,
Bryan,	Jamison,	Tate,
Bush,	Knox,	Treadwell,
Carlton,	Lockheart,	Walker,
Castleberry,	Mattox,	Ward,
Collier,	Mallard,	Warthen,
Colquitt,	Matthews,	Webb,
Cooper,	McDonald,	Wilcher,
Cone,	McGuire,	Williams of Berrien,
Crowder,	McRea,	Wooten,
Dawson,	Morell,	
Darden,	Neal,	

Those who voted in the negative are Messrs:

Adams of Rabun,	Harris of Worth,	Shropshire,
Ashley,	Hays,	Slaughter,
Banks,	Hixson,	Sutton,
Bartlett,	Jarrard,	Thomas,
Briscoe,	Johnson of Fayette,	Tucker,
Bullard,	Johnson of Paulding,	Turner,
Byrd,		West,
Cochran,	Marshall,	Westbrooks,
Fain,	McConnell,	Whitaker,
Felton,	Mounger,	Wilcoxson,
Gibson,	Paine,	Williams of Terrell,
Gordon,	Quillian,	Williams of White,
Griffin of Calhoun,	Reid,	Young of Irwin,
Griffin of Twiggs,	Riley of Lumpkin,	Young of Union,
Hammond,	Shepherd,	

So the main question was ordered to be put.

Mr. Harris of Worth, moved that the Senate do now adjourn until half past 9 o'clock to-morrow morning.

Upon agreeing to which motion Mr. Harris of Worth, required the yeas and nays, which being recorded were yeas 20, nays 82.

Those who voted in the affirmative were Messrs:

Adams of Rabun,	Felton,	Turner,
Atkinson,	Gordon,	Warthen,
Ashley,	Gresham,	West,
Bartlett,	Griffin of Twiggs,	Wilcher,
Cochran,	Harris of Worth,	Wooten,
Cooper,	Smith of Jefferson,	Young of Union,
Fain,	Thomas,	

Those who voted in the negative were Messrs:

Adams of Elbert,	Gibson,	Overstreet,
Aikens,	Graham,	Reid,

Arnett,	Griffin of Calhoun,	Reynolds,
Arnold,	Hammond,	Roberts,
Banks,	Hart,	Robinson, of Talbot,
Beall,	Harris of Merri-	Riley of Lumpkin,
Bennett,	wether,	Shepherd,
Billups,	Harris of Walton,	Slaughter,
Bloodworth of Car-	Hays,	Smith of Hancock,
roll,	Hill of Harris,	Staten,
Bloodworth of Pike,	Hill of Troup,	Stokes,
Briscoe,	Hixon,	Stowers,
Brown,	Holcombe,	Stripling,
Browning,	Jamison,	Stubbs,
Bryan,	Johnson of Pauld-	Sutton,
Bullard,	ing,	Tate,
Byrd,	Knox,	Treadwell,
Carlton,	Lockheart,	Tucker,
Castleberry,	Mattox,	Walker,
Collier,	Mallard,	Ward,
Colquitt,	Marshall,	Webb,
Crowder,	Matthews,	Westbrooks,
Dawson,	McConnell,	Whitaker,
Darden,	McDonald,	Wilcoxson,
Donaldson,	McGuire,	Williams of Berrien,
Drake,	McRea,	Williams of White,
Fambro,	Morell,	Young of Irwin,
Fields,	Mounger,	
Gholston,	Neal,	

So the motion to adjourn did not prevail.

The main question was then put, which was, on concurring in the resolution, and the resolution was concurred in.

On motion of Mr. Cone the rules were further suspended and the resolution previously introduced by himself in relation to the limitation of the speeches of Senators was taken up and read.

Mr. Bloodworth of Pike moved to amend the resolution by striking out "ten" and inserting "five" in lieu thereof.

The question being divided, the motion to strike out was put and carried.

Mr. Hill of Harris moved to fill up the blank with "fifteen," which was lost.

Mr. Williams of Terrell moved to fill up the blank with "fourteen," which was lost.

Mr. Hill of Harris moved to fill up the blank with "nine," which was lost.

Mr. Gibson moved that the resolution be laid on the table for the present, which was agreed to.

On motion of Mr. Hill of Harris the rules were further suspended and the resolution previously offered by himself



in relation to the times of meeting and adjournment of the Senate was taken up and read.

Mr. Billups moved to amend the resolution by adding the following words thereto, to wit:

And that the night sessions be devoted to reading Senate bills a second time, the reading of House bills a first and second time, and the consideration of local bills on their passage until otherwise ordered by the Senate, which was agreed to.

The resolution as amended was then agreed to.

On motion of Mr. Brown the rules were further suspended and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act to regulate the rule of tavern license in this State, approved December 19th, 1809; also to amend an act further to regulate the granting of retail license and sale of spirituous liquors, assented to Dec. 29th, 1838, so as to authorize the Grand Juries of the several counties of the State to fix the sale of retail license and to provide a punishment for a violation of the same.

Mr. Brown offered the following as a substitute:

A bill to be entitled an act to provide for the retail of spirituous liquors in the counties of Marion and Elbert in this State, and for other purposes therein mentioned.

Which was adopted in lieu of the original.

Mr. Stubbs moved further to amend the report by adding the following section thereto:

*And be it further enacted* by the authority aforesaid, That the provisions of said act be and they are hereby extended to all that part of the county of Bibb lying out of the corporate limits of the city of Macon, which was agreed to.

Mr. Cumbie moved further to amend the report by adding the following as a section of said bill, to wit:

*And be it further enacted*, That the provisions of this act be extended to all that portion of Mitchell not included in the corporate limits of the town of Camilla, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

Mr. Harris of Worth, from the committee on New Counties and County Lines, report that they have had under consideration a bill proposing to lay out and organize a new county from the counties of Lowndes and Clinch, and report the bill back to the Senate, and recommend the passage of the same.

Also, a bill to change the line between the counties of Glascock and Jefferson, and report the bill back and recommend that the bill do not pass.

W. A. HARRIS, Chairman.

On motion of Mr. the rules were suspended for the purpose of reading local Senate bills the third time.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to add a part of the county of Gilmer to the county of Fannin, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of the estate of Samuel Martin, late of the county of Fayette, deceased.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of John Woodall, late of Jones county, deceased, and of the securities of Felix Woodall for the delivery of certain books.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the several acts now in force in relation to the incorporation of the town of La-Fayette in Walker county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the line between the counties of Fayette and Campbell.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Inferior Courts of the counties of Fayette and Madison to levy an extra tax to pay the Grand and Petit Jurors one dollar per day for their services as jurors, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal all special laws providing for the payment of Grand and Petit Jurors in the county of Baker.

Mr. Harris of Worth moved to amend the report by inserting in the first section of said bill after the word "Baker"

the words "and Worth," and by changing the caption to correspond therewith, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the line between the counties of Ware and Clinch, and between Ware and Coffee.

Mr. Browning moved to amend the report by adding the following as a section to said bill:

*And be it further enacted,* That the line of the counties of Colquitt and Thomas be so changed as to include the whole of lot of land number five hundred and twelve, the residence of Thomas White in the eighth district of originally Thomas now Colquitt, in the county of Thomas, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to locate the road hands living upon Cumby's Island and Potosi upon Rifle cut.

The report was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President adjourned the Senate until 7 o'clock, P. M.

#### EVENING SESSION.

7 O'CLOCK, P. M.

The Senate met according to adjournment.

The following bills of the Senate were taken up, severally read the second time, and referred to the committee of the whole, to-wit:

Also, a bill to be entitled an act, to explain an act, entitled an act to incorporate a railroad company to be called the Atlantic and Gulf Railroad Company, and for other purposes therein named, approved February 27, 1856, to repeal conditionally, so much of the 5th section of said act as authorizes certain payments in money or bonds, and for other purposes herein mentioned.

Also, a bill to be entitled an act to incorporate the Richmond Eclectic College, &c.

Also, a bill to be entitled an act to prevent the killing of game birds in Richmond county, within certain seasons of the year.

Also, a bill to be entitled an act to authorize the Inferior Court of the county of Thomas to levy an extra tax sufficient at all times to pay the petit jurors of said county.

Also, a bill to be entitled an act to incorporate the town of Dawsonville, and for other purposes therein named.

Also, a bill to be entitled an act to compel persons owning property in the county of White to return and pay taxes thereon in White county.

Also, a bill to be entitled an act to change the public site of the county of Lowndes, and to provide for the selection of a new county site and for other purposes herein mentioned.

Also, a bill to be entitled an act for the relief of A. W. Stone, guardian for Wm. and Louisa Gafford free persons of Fulton county.

Also, a bill to be entitled an act to authorize the Inferior Court of Fulton county to take stock in the Georgia Air Line Railroad, and issue bonds upon certain conditions, &c.

Also, a bill to be entitled an act to compel the Ordinary of Warren county, acting as Poor School commissioner to pay to the Ordinary of Glascock county her proportion of the poor school fund for 1858.

Also, a bill to be entitled an act to authorize a competent surveyor to re-survey the first district of originally Wayne now Charlton county.

Also, a bill to be entitled an act to incorporate Pine Log Camp Ground in Cass county, appoint trustees for the same, and confer on them certain privileges.

Also, a bill to be entitled an act to incorporate the Agricultural Society of Cass county.

Also, a bill to be entitled an act to compensate the Clerk of the Inferior Court of the county of Worth, &c.

Also, a bill to be entitled an act for the preservation and protection of the rights of married women.

Also, a bill to be entitled an act to authorize Calphey Clarke, of the county of Montgomery, to practice Medicine and charge and collect for the same.

Also, a bill to be entitled an act for the exclusion of idiots or congenital imbeciles in mind from the State Lunatic Asylum.

Also, a bill to be entitled an act for the relief of Creyton Powell of the county of Emmanuel.

Also, a bill to be entitled an act to authorize the issuing of grants to such fractional lots of land as are embraced in the several counties of this State, heretofore known as the Cherokee purchase, and originally as Cherokee county, and which fractional lots have not been as yet disposed of by the State by lottery or otherwise.

Also, a bill to be entitled an act to incorporate the Griffin Primary School of Medicine, established by doctor Edward F. Knott in the city of Griffin.

Also, a bill to be entitled an act to compel non-residents in the county of Emmanuel, owning summer residences in said county, and driving annually therein, large stocks of cattle, to pay taxes on said residences and cattle in said county.

Also, a bill to be entitled an act to change the times of holding the Inferior Court of Emmanuel county, from 1st to the 2d Monday in July.

Also, a bill to be entitled an act to limit the power of the Inferior Court of Lumpkin county, in levying a tax for county or other purposes.

Also, a bill to be entitled an act to incorporate the town of Jonesboro, in the county of Clayton, and to provide for the the election of commissioners and other officers.

The following bills were taken up, severally read the second time, and referred to the committee on new counties and county lines.

A bill to be entitled an act to change and alter the line between Fayette and Clayton counties, so as to include the residence of Elijah Glass, Manson Glass, Elisha Holt, and Patrick H. Allen, in the county of Clayton.

Also, a bill to be entitled an act to repeal an act changing the line between the counties of Columbia and Warren, so as to include the residence of John Adkins in the county of Warren.

Also, a bill to be entitled an act to exempt one negro from levy and sale.

Also, a bill to be entitled an act to alter the time of holding the Superior Courts in the counties of Walker and Dade.

Also, a bill to be entitled an act to authorize his Excellency the Governor to sell all the lands belonging to the State in and around the Okefenoke swamp.

Also, a bill to be entitled an act to change the line between the counties of Twiggs and Bibb, so as to include lot number sixty-nine in the 7th district of originally Baldwin now Twiggs county, in the county of Bibb.

Also, a bill to be entitled an act to change the line between the counties of Pulaski and Telfair.

Also, a bill to be entitled an act to alter and change the lines between the counties of Worth and Dougherty.

Also, a bill to be entitled an act to change the lines between the counties of Dougherty and Worth.

Also, a bill to be entitled an act to change the county line between the counties of White and Lumpkin, and for other purposes.

Also, a bill to be entitled an act to change the county line between Terrell and Randolph.

The following bills were taken up severally read the second time and referred to the committee on bills:

A bill to be entitled an act to regulate the currency of the State of Georgia, and for other purposes therein named.

Also, a bill to be entitled an act to incorporate a bank in the city of Rome, to be called the Bank of Rome.

. Also, a bill to be entitled an act to compel all banking companies in this State to redeem their bills or other evidences of debt at the agency at which said bank bills or other evidences of debt are put in circulation.

The following bills were taken up, severally read the second time, and referred to the committee on the Judiciary.

A bill to be entitled an act to repeal an act assented to 22d Dec. 1857.

Also, a bill to make valid all deeds of conveyance made and executed by deputy Sheriffs in this State, and for other purposes therein named.

Also, a bill to be entitled an act to authorize and require the Justices of the Inferior Courts of the several counties in this State to qualify road commissioners.

Also, a bill to be entitled an act to add an additional section to the 6th division of the Penal code of this State.

Also, a bill to be entitled an act to define and establish the fees of the Ordinary of the county of Bibb.

Also, a bill to be entitled an act to amend an act passed Dec. 22d, 1854.

Also, a bill to be entitled an act to provide a more speedy mode for the collection of debts, &c.

Also, a bill to be entitled an act to prevent the peddling of Tobacco and Cigars by citizens of other States without paying therefor.

Also, a bill to be entitled an act to point out the mode and manner of drawing jurors in this State.

Also, a bill to be entitled an act to amend the 14th section of an act entitled an act, to carry into effect the amended Constitution of this State, in reference to the Ordinaries of said State, and for other purposes, assented to January 21, 1832.

Also, a bill to be entitled an act for the protection and encouragement of manufactories, mills and other machinery propelled by water, and to define the liability of the owners thereof upon the several rivers creeks and other water courses in this State and to prevent multiplicity of suits.

Also, a bill to be entitled an act to refer the question of abolishing the Supreme Court to the people.

Also, a bill to be entitled an act to give marble masons, and stone cutters in the State a lien upon their work.

Also a bill to be entitled an act to authorize Ordinaries of this State to fine and imprison persons for contempt of their Courts.

Also, a bill to be entitled an act to amend the act in relation to bastardy, approved December 16th, 1793.

Also, a bill to be entitled an act to amend an act to define and establish fees of Ordinaries, Clerks of the Superior and Inferior Courts, and for other purposes therein mentioned, assented to Dec. 22, 1857.

Also, a bill to be entitled an act to amend the penal laws of this State in relation to free persons of color and nominal slaves.

Also, a bill to be entitled an act to compensate the jurors of Richmond county and city of Augusta.

Also, a bill to be entitled an act to provide for the payment of grand and petit jurors in Camden county, and for other purposes.

Also, a bill to be entitled an act to legalize and make valid the acts of Samuel Cartright, as Ordinary of the county of Troup.

Also, a bill to be entitled an act to make and declare Miss Fannie Graham, of Perry, Houston county, the heir-at-law of Dugal B. Graham, of Lowndes county, Georgia.

Also, a bill to be entitled an act to point out the mode of disposing of estray cattle in the county of Worth.

Also, a bill to be entitled an act to alter and change the name of the village of Buffalo in Hancock county.

Also, a bill to be entitled an act to incorporate the Houston Manufacturing Company.

Also, a bill to be entitled an act to alter and amend the charter of the city of Macon.

Also, a bill to be entitled an act to alter and amend the 18th section of the 14th division of the penal code of this State.

Also, a bill to be entitled an act to point out the mode of collecting demands due from free persons in this State.

Also, a bill to be entitled an act in relation to incorporations.

Also, a bill to be entitled an act to regulate the duties of Judges in certain cases, and for other purposes.

Also, a bill to be entitled an act to repeal an act entitled an act to amend the 10th section of the 10th division of the penal code.

Also, a bill to be entitled an act to amend the judiciary act of this State, and to direct the manner of making trustees parties plaintiff or defendant in all suits or actions now pending or may hereafter exist in the several Courts in this State.

Also, a bill to be entitled an act for the relief and protection of Clerks of the Superior and Inferior Courts, and Sheriffs of the several counties of this State.

Also, a bill to be entitled an act to consolidate the offices

of the Clerks of Ordinary and Inferior Courts of Paulding county.

The following bills of the House of Representatives were taken up, severally read the second time, and committed for a third reading.

A bill to be entitled an act to amend an act entitled an act to amend the various acts in relation to the city court of Savannah, to add to the jurisdiction and powers of said court, and for other purposes therein named, assented to December 22d, 1857, and for other purposes.

Also, a bill to be entitled an act to amend an act entitled an act to authorize the trustees of Glynn County Academy to lease or sell the academy building and estate of said academy and to protect the property and collect the funds of the same, and for other purposes therein named.

Also, a bill to be entitled an act to empower the grand jurors of the county of Appling to designate the children entitled to the benefits of the poor school fund, and for other purposes.

Also, a bill to be entitled an act to alter and amend an act entitled an act to provide for the perfecting of titles to land where parties die and have bonds out for titles, assented to December 22d, 1857.

Also, a bill to be entitled an act to allow John Caily, a blind man, to peddle in the county of Walton without paying license, and to allow William Douglass of the county of Appling the same privilege in the counties of Appling and Coffee.

Also, a bill to be entitled an act to provide for the better regulation of the town of Crawfordville, as to eating tables kept by negroes either free or slave, and for other purposes.

Also a bill to be entitled an act to amend the laws in relation to marriage and inheriting property in certain cases therein specified.

Also, a bill to be entitled an act to curtail the jurisdiction of the Supreme Court in criminal cases, and for other purposes relating to the uniformity and stability of the decisions of said tribunal.

Also a bill to be entitled an act to appropriate two hundred and forty dollars to the Inferior Court of Dade county.

Also a bill to be entitled an act to alter and amend the fiftieth section of the fourteenth division of the penal code.

Also, a bill to be entitled an act to incorporate the Scott Mining Company of Cherokee county.

Also, a bill to be entitled an act to provide for the codification of the laws of Georgia.

Also, a bill to be entitled an act to incorporate the trustees of the Bigham camp ground in Harris county.

Also, a bill to be entitled an act to amend an act entitled an act for preventing and punishing vice, profaneness and im-



morality, and for keeping holy the "Lord's Day," common called Sunday, approved March 4th, 1762.

Also, a bill to be entitled an act to authorize Joseph Davis, Sr., of the county of Wilcox, to peddle in the counties of Wilcox, Dooley, Irwin and Pulaski, without paying taxes or obtaining license, and also, to entitle Benjamin Thrower of the county of Fulton to the same privileges.

Also, a bill to be entitled an act to amend an act approved the 19th of Dec. 1829, to point out and regulate the manner of taking the testimony of females in certain cases, so as to include practicing physicians and school teachers in actual employment.

Also, a bill to be entitled an act to make justices of the peace in the several militia districts of Marion county, commissioners of road and patrol in their respective districts and to repeal an act to amend the patrol laws of this State approved February the 20th, 1854, so far as relates to Marion county.

Also a bill to be entitled an act to authorize the mayor and aldermen of the city of Savannah and hamlets thereof and their successors in office, to institute a system of drainage for the same, under certain conditions therein named.

Also, a bill to be entitled an act to allow compensation for the consolidated index of plats to colonial and head right grants in the Surveyor General's office.

Also a bill to be entitled an act to amend an act entitled an act to amend an act to carry into effect the 9th section of the 3d article of the Constitution, approved December 1st, 1802.

Also a bill to authorize and permit Benjamin M. Bigby to marry again and protect him in so doing from the pains and penalties of bigamy.

Also a bill to be entitled an act to appropriate money for the compensation of G. W. Anderson and others, for the apprehension of the murderers of Samuel Landrum.

Also a bill to be entitled an act to compensate the Sheriff of Jefferson county.

Also a bill to be entitled an act to lay off the county Pickens into school districts, provide for the election of Treasurer and for other purposes therein contained.

Also a bill to be entitled an act to compensate certain persons therein named.

Also a bill to be entitled an act to authorize Duke Hamilton of Clarke county, an infirm man, to peddle and vend goods wares and merchandize in the counties of the Western Judicial circuit without a license for that purpose as now required by law.

Also a bill to be entitled an act to prescribe the mode and manner of selecting, drawing and summoning tales Jurors for the trial of criminal cases in the Superior Court of the

county of Chatham, and for other purposes herein mentioned.

Also a bill to be entitled an act to consolidate the offices of Tax Collector and Tax returns of the county of Harralson.

Also a bill to be entitled an act to authorize the Georgia Railroad and Banking Company, to build a branch road to the town of Eatonton in Putnam county, and for other purposes.

Also a bill to be entitled an act to prevent the sale of spirituous liquors from one to five gallons, in the county of Stewart, only on conditions therein named.

Also a bill to be entitled an act to allow Tax Collectors in Decatur county their commissioners on insolvent executions.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to add certain lots of land in Baker county, to the county of Dougherty.

Mr. Bloodworth of Pike moved to amend the report by adding the following section to said bill,

And be it further enacted that the line between the counties of Upson and Pike, be so changed as to add lot of land No. 204 in the 11th district of originally Monroe now Upson county, the residence of George A. Gardner to the county of Pike, which was agreed to.

Mr. Paine moved further to amend the report by adding the following section to said bill,

And be it further enacted that, lot of land number two hundred and ninety eight, in the fifteenth district of Pulaski county to the county of Telfair, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to confer certain privileges on the Independent Mechanics Fire Company in the city of Augusta.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to compensate the Justices of the Peace of Hall county for returning the poor children and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the

bill to be entitled an act for the relief of Messrs. Beach and Root of Atlanta, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of M. Varner of Cobb county, from the double tax imposed on him for the year 1853.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act entitled an act to incorporate the Moccasin Turnpike Railroad Company in the county of Rabun, approved March 3d, 1856 and to grant certain privileges to the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Methodist Episcopal Church at Prospect in the county of Thomas.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the road laws of this State, so far as relates to the county of Polk, and to provide for the assessment and collection of a road tax in said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate an academy in the county of Thomas, and to appoint trustees for the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prevent non-residents of the county of Miller from camp hunting and for other purposes therein mentioned.

Mr. Felton moved to amend the report by adding the following as a section to said bill,

And be it further enacted that the provisions of this Act shall not extend to any non-residents who may own land in Miller county, or to persons camping within the inclosure of a citizen in said county, or to persons accompanied or piloted by some citizen owning land in said county, which was agreed to.

Mr Williams of Terrill moved further to amend the report by adding the following as a section of said bill to-wit:

And be it further enacted that the penalties of this act shall not be applied to any one who does not set the woods on fire or kill some sheep, hog or cattle of a citizen of said county which was lost.

The report as amended was then agreed to; the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the town of Alpharetta in the county of Milton, and to appoint commissioners for the same, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Inferior Court of the county of Madison to sell the academy building, and real estate of said academy, and to collect the funds of the same, and when so collected to be applied to the education of the poor children of said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act amenatory of an act to make permanent the site of the public buildings of the county of Walton at Monroe and to incorporate the same, assented to 30th November 1821.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to require the Judges of the Inferior Court of Franklin county to appoint a board of commissioners, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to divorce James Holbrooks from his wife, Ann Holbrooks.

And which, on motion, was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prescribe the time for holding the Superior Courts of the Middle Circuit of this State.

Mr. Wadsworth moved to amend the report by striking out

of the first section of said bill from the "character" viz, down to the words "in each year," and by inserting in lieu thereof the following words: "In Columbia on the 1st Monday in March and September; in Washington on the second Mondays in March and September; in Emmanuel on the 4th Mondays in March and September; in Scriven on the 2d Mondays in April and October; in Jefferson on the 3d Mondays in April and October; in Richmond on the 4th Mondays in April and October; in Burke on the 4th Mondays in May and November; which was agreed to.

Mr. Tucker moved further to amend the report by adding the following as a section to said bill, to-wit:

*And be it further enacted,* That the Superior Court of the county of Terrell be held on the fourth Mondays in May and November in each year, which was agreed to.

Mr. Colquitt moved further to amend the report by adding the following section to said bill, to-wit:

*And be it further enacted,* That the Superior Court of the county of Muscogee shall be held on the fourth Mondays in May and November in each year, instead of the third, as now exists by law.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the town of Ft. Gains, in the county of Clay, and to define the corporate limits thereof.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to revise, alter and amend an act entitled an act to make permanent the site of the public buildings in Polk county, at Cedartown, and to incorporate the same, assented to February 8, 1854.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of Mrs. E. F. Cooper, of Sumter county, and her husbands securities.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to incorporate Young America Fire Company in the city of Columbus.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the name of the Planters and Mechanics Bank of Dalton, Ga., to that of the Bank of Whitfield.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of Benjamin F. Rees, guardian for Gouveneur H. Embra, a minor, and to authorize said guardian to purchase a farm for the benefit of said minor's estate.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize and permit Wiley G. Davis, of the county of Glascock, to practice dentistry and collect for the same without being compelled to pay tax on said profession.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and change the mode of electing the Marshal in the city of Marietta, Cobb county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Justices of the Inferior Courts of the counties of Wayne, Appling and Pierce, to appoint surveyors to define and mark the lines between said counties.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Justices of the Inferior Court of Crawford county to levy and collect an extra tax for the purpose of building a jail in said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize and require the Justices of the Inferior Court of Madison county to collect, for the use of the State, the remainder or unexpended portion of the money now in the hands of the trustees of said

academy, or that may hereafter come into their hands, and when collected, to be applied by them to the education of the poor children of said county, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Justices of the Inferior Court of Worth county to levy an extra tax to pay off the indebtedness of said county, commencing in 1857.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Justices of the Inferior Court of Bryan county to levy an extra tax in the county of Bryan on the State tax for educational purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the times of holding the Inferior Courts of the county of Walker.

The report was agreed to, the bill was read the third time and passed.

The hour for adjournment having arrived, the President adjourned the Senate until half past 9 o'clock to-morrow morning.

#### *THURSDAY, DECEMBER 2d, 1858.*

9½ o'clock, A. M.

The Senate met according to adjournment.

On motion, leave of absence was granted to Messrs. Marshall, Edmondson, Smith of Jefferson, Slaughter, Johnson of Fayette.

On motion of Mr. Mallard, Messrs. Thomas and Adams of Elbert were added to the committee on public education and free schools.

On motion of Mr. Whitaker the rules were suspended for the purpose of offering a resolution.

Mr. Whitaker offered the following resolution which was taken up, read, and agreed to:

*Resolved*, That the President of the Senate invite Dr. John W. Lewis, present superintendent of the Western and

Atlantic Railroad to a seat in the Senate during his stay at the Capitol.

The Senate resumed the consideration of the unfinished business of yesterday which was the resolution requesting Hon. Henry L. Benning and Hon. Charles J. McDonald, Judges of the Supreme Court, to resign their seats.

And the motion to lay the resolution on the table for the balance of the session.

Mr. Adams of Elbert called the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was on agreeing to the motion to lay the resolution on the table for the balance of the session.

Upon agreeing to which motion Mr. Thomas required the yeas and nays; which being recorded, were yeas 67, nays 15.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Harris of Merriwe-	Robinson of Talbot,
Adams of Rabun,	ther,	Riley of Lumpkin,
Akins,	Harris of Walton,	Shropshire,
Atkinson,	Hixon,	Spalding,
Bennett,	Holcomb,	Smith of Jefferson,
Bloodworth of Car-	Jarrard,	Stowers,
roll,	Johnson of Fayette,	Strickland,
Bloodworth of Pike,	Johnson of Pauld-	Stubbs,
Briscoe,	ing,	Tate,
Browning,	Jossey,	Treadwell,
Bullard,	Knox,	Tucker,
Bush,	Mallard,	Turner,
Byrd,	Marshall,	Walker,
Castleberry,	McConnell,	Ward,
Collier,	McDonald,	Webb,
Colquitt,	McGuire,	Westbrooks,
Cumbee,	Morell,	Whitaker,
Fain,	Mounger,	Wilcher,
Fields,	Overstreet,	Williams of Berrien,
Gibson,	Paine,	Williams of "Terre",
Graham,	Pope,	Wooten,
Griffin of Calhoun,	Price,	Young of Union,
Hammond,	Reid,	
Hart,	Roberts,	

Those who voted in the negative are Messrs.

Arnold,	Drake,	McRea,
Ashley,	Famble,	Neal,
Banks,	Felton,	Quillian,
Beall,	Gholston,	Reynolds,
Billups,	Gordon,	Smith of Hancock,
Brown,	Gresham,	Staten,



Bryan,	Harris of Worth,	Stokes,
Carlton,	Hays,	Strpling,
Cochran,	Hill of Harris,	Sutton,
Cooper,	Hill, of Sumter,	Thomas,
Cone,	Hill of Troup,	Warthen,
Crowder,	Jamison,	West,
Dawson,	Lockheart,	Wilcoxson,
Darden,	Mattox,	Williams of White,
Donaldson,	Matthews,	Young, of Irwin,

So the motion to lay the resolution on the table for the balance of the session prevailed.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President* :—The House has passed the following bill, to wit:

A bill to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt, and to provide for the education of the children in the several counties of the State.

Mr. Harris of Worth, from the committee on new counties and county lines, report that they have had under consideration a bill proposing to change the line between the county of Worth and Dougherty, and recommend the passage of the bill.

Also, a bill to change and alter the line between the counties of Fayette and Clayton, and recommend the passage of the bill.

Also, a bill entitled an act to repeal an act changing the line between the counties of Columbia and Warren, so as to include the residence of John Adkins in the county of Warren, and recommend the passage of the bill.

Also, a bill to change the line between the counties of Worth and Dougherty, and report the bill back and recommend the passage of the bill.

W A. HARRIS, Chairman.

The following message was received from his Excellency the Governor by Mr. Campbell, his Secretary:

*Mr. President* :—The Governor has approved and signed the following bill, to wit:

An act to repeal an act amendatory of the several acts of force in reference to the corporation of the city of Milledgeville, assented to December 22d, 1857.

The Senate took up as the special order of the day the report of the committee of the whole;

A bill to be entitled an act to authorize the issuing of gar-  
nishments in this State in favor of persons who have slave  
property in any free State which refuses to deliver up such  
slave or slaves against persons in this State indebted to any  
citizen of such disloyal State, and for other purposes.

Mr. Gibson moved to lay the report on the table for the balance of the session.

Upon agreeing to which motion Mr. Tucker required the yeas and nays to be recorded; which being recorded was yeas 52, nays 54.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Graham,	Paine,
Akins,	Griffin of Calhoun,	Quillian,
Arnold,	Hart,	Reid,
Ashley,	Hixon,	Reynolds,
Bennett,	Holcombe,	Robinson of Talbot,
Bloodworth of Car-	Jamison,	Shropshire,
roll,	Jossey,	Spalding,
Bloodworth of Pike,	Knox,	Smith of Hancock,
Briscoe,	Lockheart,	Smith of Jefferson,
Bryan,	Mallard,	Staten,
Cooper,	Marshall,	Stowers,
Cone,	Matthews,	Stubbs,
Crowder,	McConnell,	Sutton,
Dawson,	McGuire,	Tate,
Darden,	McRea,	Treadwell,
Drake,	Morell,	Warthen,
Fain,	Mounger,	Wilcher,
Fambro,	Neal,	
Gibson,	Overstreet,	

Those who voted in the negative are Messrs :

Adams of Rabun,	Gordon,	Stokes,
Atkinson,	Gresham,	Strickland,
Banks,	Hammond,	Stripling,
Beall,	Harris of Merri-	Thomas,
Billups,	wether,	Tucker,
Brown,	Harris of Walton,	Turner,
Browning,	Harris of Worth,	Walker,
Bullard,	Hays,	Webb,
Bush,	Hill, of Harris,	West,
Car ton,	Hill of Sumter,	Westbrooks,
Castleberry,	Hill of Troup,	Whitaker,
Cochran,	Jarrard,	Wilcoxson,
Collier,	Johnson of Fayette,	Williams of Berrien,
Colquitt,	Johnson of Paulding,	Williams of White,
Cumbe,	Mattox,	Wooten,
Dohaldson,	Pope,	Young of Irwin,
Felton,	Price,	Young of Union,
Fields,	Roberts,	
Gibson,	Riley of Lumpkin,	

So the motion to lay the report on the table for the balance of the session did not prevail.

Mr. Hill of Harris offered the following bill as a substitute

for the original :

A bill to be entitled an act to prohibit the use of the Courts of this State to citizens of any free State of this Union who refuses to enforce the act of Congress for the rendition of fugitive slaves.

Mr. Bloodworth of Pike moved to postpone the consideration of the report and substitute for the present, and that the same be made the special order for the fourth day of July next.

Upon agreeing to which motion Mr. Thomas required the yeas and nays, which being recorded were yeas 54, nays 46.

Those voting in the affirmative are Messrs :

Adams of Elbert,	Fambro,	Quillian,
Akins,	Gibson,	Reid,
Ashley,	Graham,	Reynolds,
Bennett,	Griffin of Calhoun,	Robinson of Talbot,
Bloodworth of Carroll,	Hixon,	Shropshire,
Bloodworth of Pike,	Jamison,	Spaulding,
Briscoe,	Johnson of Fayette,	Smith of Hancock,
Bryan,	Jossey,	Staten,
Byrd,	Knox,	Stowers,
Cooper,	Lockheart,	Stubbs,
Cone,	Mallard,	Sutton,
Crowder,	Marshall,	Tate,
Cumbie,	Matthews,	Treadwell,
Dawson,	McConnell,	Walker,
Darden,	McGuire,	Ward,
Donaldson,	McRea,	Warthen,
Drake,	Morell,	Wilcher,
Fain,	Neal,	
	Pope,	

Those who voted in the negative are Messrs :

Adams of Rabun,	Gordon,	Roberts,
Arnold,	Hammond,	Riley of Lumpkin,
Atkinson,	Harris of Merriwether,	Strickland,
Banks,	er,	Stripling,
Beall,	Harris of Walton,	Thomas,
Billups,	Harris of Worth,	Tucker,
Brown,	Hays,	Turner,
Browning,	Hill of Harris,	West,
Bullard,	Hill of Sumter,	Westbrooks,
Carlton,	Hill, of Troup,	Whitaker,
Castleberry,	Jarrard,	Wilcoxson,
Cochran,	Johnson of Paulding,	Williams of Berrien,
Collier,	ing,	Williams of White,
Felton,	Mattox,	Wooten,
Fields,	Mounger,	Young of Irwin,
Gholston,	Price,	Young, of Union,

So the motion to postpone for the present and make the special order for the 4th day of July next prevailed.

On motion of Mr. Jossey the rules were suspended for the purpose of offering a resolution.

Mr. Jossey offered the following resolution.

*Resolved*, That the Rev Dr. Adiel Sherwood be and is hereby invited to a seat on the floor of the Senate during his stay at the Capital.

Mr. Paine, from the committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following resolution, to wit:

*Resolved*, That the General Assembly will adjourn on Saturday, the 11th of December, *sine die*.

On motion of Mr. Adams of Elbert the rules were further suspended and the following bill of the House of Representatives was taken up and read the first time.

A bill to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt, and to provide for the education of the children in the several counties of the State.

On motion of Mr. Adams of Elbert 150 copies of the same were ordered to be printed for the use of the Senate.

On motion of Mr. Harris of Worth the Senate then adjourned until 3 o'clock, P. M.

#### EVENING SESSION.

3 O'CLOCK, P. M.

The Senate met, according to adjournment.

On motion, leave of absence was granted to Messrs. Harris of Merriwether and West.

Upon the call of Senators it appeared that there was no quorum present.

Mr. Tucker moved that the doors of the Senate be closed and the messenger despatched after absent Senators, which was agreed to.

Before the closing of the doors a sufficient number of Senators entered to constitute a quorum.

And the Senate took up as the special order of the day, the report of the committee of the whole.

A bill to be entitled an act to prescribe an additional penalty for disobedience by the several banks of this State to the provisions of the act passed 22d, December 1857 touching annual and semi-annual reports.

The Committee on banks offered the following bill as a substitute for the original to-wit:

A bill to be entitled an act to explain and enforce compliance by the banks of Georgia with the provisions of an act passed the 22d of December 1857.

Mr. Bloodworth of Pike moved to amend the substitute by adding the following proviso to said bill,

Provided that nothing contained in this act shall be so construed as to require those banks that was not in a state of suspension when the act of 22d December 1857, was passed as to require the officers of said banks in making their returns to take the oath prescribed in said act but a failure to make returns as prescribed by the laws of force for bank officers in making their returns shall subject them to all the pains and penalties of this act, which was lost.

Mr. Ward moved further to amend the substitute by adding to the same the following words to-wit: "said forfeiture to be recovered by the Comptroller General as in cases of defaulting Tax Collector," which was agreed to.

Mr. Gibson moved further to amend the substitute by adding the following section to the same.

"And be it further enacted that no bank, its officers or stock holders shall be exempt from suit or any liability incurred under the provisions of its charter or forfeiture thereof in any manner, nor shall the debtors of said banks be exempt from liability by reason thereof, but their liability to sue and be sued plead and be impleaded shall remain in all respects the same as they were before the expiration or forfeiture of their charters until the same is fully settled up, and said banks in their first semi-annual report shall signify their acceptance of the above provisions to the Governor, which was agreed to.

Mr. Hill of Harris moved further to amend the substitute by adding the following words thereto to-wit:

Nor shall their charters ever expire so that they cannot sue and be sued for liabilities created previous to the time specified for the expiration of their charters, which was agreed to.

Mr. Tucker moved further to amend the substitute by adding the following sections thereto.

And be it further enacted that, upon the requisition of the Governor of this State, at any time, whether it be an annual or semi-annual report or a report at any other time, it shall be the duty of the said banks to make a report in accordance with the provisions of said act, or said banks shall be subject to the penalties herein prescribed, that is to say that the Governor of Georgia shall notify the Tax Collector of the county in which said defaulting bank shall be located, and it shall be the duty of said Tax Collector to proceed each month to collect a tax of two per cent on the entire capital stock of said defaulting bank.

And be it further enacted that in each report of said bank,

they shall give, in a separate item a statement of the amount of specie actually in their vaults and owned by said bank, and that no report shall be received by the Governor unless it does contain the real amount of specie in the vaults, and owned by said banks, which was agreed to.

Mr. Bloodworth of Pike moved further to amend the substitute by adding the following as a section thereof, to-wit:

And be it further enacted that when all the property of the corporation has been exhausted nothing shall prevent the liability of stockholders from attaching under the provisions of their original charters, which was agreed to.

Mr. Atkinson moved further to amend the substitute by adding the following as a section thereof.

And be it further enacted that it was not intended that the provisions of said act should cease to operate on the 15th day of November as aforesaid, which was agreed to.

Upon agreeing to the motion to adopt the substitute as amended in lieu of the original, Mr. Harris of Worth required the yeas and nays to be recorded.

Pending the motion and before the call commenced.

Mr. Tucker moved that the further consideration of the substitute be postponed until Saturday morning next, which was agreed to.

Mr. Fambro from the committee on amendments to the Constitution made the following report.

The committee on amendments to the Constitution,

Have considered a bill to be entitled an act to alter and amend the 3d section of the 3d article of the Constitution of this State.

And report the same back to the Senate and recommend that the bill do not pass.

A. G. FAMBRO, Chairman.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk:

**Mr. President:**—The House has concurred in the Senate amendment of the following bill of the House to-wit:

An act to change the time of holding the Superior and Inferior Courts of the county of Wayne.

Also, the House has agreed to a resolution, relative to the return of a bill now in the Senate, that was sent from the House by mistake.

Mr. Harris of Worth moved that the Senate do now adjourn until half past 9 o'clock to-morrow morning.

Upon agreeing to which motion McDonald required the yeas and nays which being recorded were yeas 21 nays 65.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Griffin of Twiggs,	Turner,
Bullard,	Harris of Worth,	West,
Cooper,	Mallard,	Westbrooks,
Fain,	McConnell,	Wilcher,
Fambro,	Paine,	Wilcoxson,
Gordon,	Riley, of Lumpkin	Young, of Irwin,
Graham,	Spalding,	Young of Union,

Those voting in the negative are Messrs :

Adams of Elbert,	Fields,	Quillian,
Aikins,	Gibson,	Reid,
Arnold,	Hart,	Reynolds,
Atkinson,	Harris of Walton,	Roberts,
Banks,	Hays,	Robinson of Talbot,
Beall,	Hill of Sumter,	Smith of Hancock,
Bennett,	Hixon,	Staten,
Bloodworth of Car-	Jamison,	Stowers,
roll,	Jarrard,	Strickland,
Bloodworth of Pike,	Johnson of Pauld-	Stripling,
Bozeman,	ing,	Stubbs,
Brown,	Knox,	Sutton,
Browning,	Lockheart,	Tate,
Bryan,	Mattox,	Thomas,
Carlton,	Marshall,	Treadwell,
Castleberry,	Matthews,	Walker,
Collier,	McDonald,	Ward,
Cone,	McGuire,	Webb,
Crowder,	McRea,	Whitaker,
Darden,	Morell,	Williams of Ber-
Donaldson,	Overstreet,	rien,
Drake,	Neal,	Williams of White,
Felton.	Price,	

So the motion to adjourn until half past 9 o'clock to-morrow morning, did not prevail.

On motion leave of absence from the evening session was granted to Messrs. Billups and Riley of Lumpkin in consequence of indisposition and to Mr. Hill of Troup until Tuesday next.

The hour for adjournment having arrived the President adjourned the Senate until 7 o'clock P M.

EVENING SESSION.

7 O'CLOCK, P. M.

The Senate met according to adjournment.

The following bills were taken up severally, read the second time and referred to the committee of the whole.

A bill to be entitled an act to change the manner of the election of Marshal and Treasurer of the town of Dawson, Terrell county.

Also, a bill to be entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authorities of said town.

Also, a bill to be entitled an act to authorize E. N. Beasley of Taliaferro county to practice Medicine and charge for and collect the same,

Also, a bill to be entitled an act to protect religious societies in the exercise of religious duties and for other purposes.

Also, a bill to be entitled an act to incorporate the town of Reidsville, in the county of Tattnall, appointing commissioners and defining the limits of said town.

Also, a bill to be entitled an act for the relief of James Hagans of the county of Floyd.

The following bills were taken up, severally read the second time and referred to the committee on the Judiciary.

Also, a bill to be entitled an act to establish a uniform law in relation to slander.

Also, a bill to be entitled an act to amend the various laws, in relation to the division of the State into Congressional districts.

Also, a bill to be entitled an act to protect the rights of the people of Georgia from violation by Congress or by other States.

Also, a bill to be entitled an act to alter the 3d and 7th section of the fifth article of the Constitution.

Also, a bill to be entitled an act to explain and amend the 6th section of an act entitled an act to render certain the compensation of teachers of poor children of the respective counties of the State, and to secure to poor children the benefit of the poor school fund.

The following bill of the House of Representatives was taken up, read the second time, and referred to the committee of the whole,

A bill to be entitled an act to provide for the codification of the laws of Georgia.

The Senate took up as the report of the committee of the whole,



A bill to be entitled an act to incorporate A. J. Miller Lodge No. 204, of Free and Accepted Masons, and to confer certain powers.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to allow Teachers of poor children in Calhoun county, to charge in their accounts for tuition for all books furnished poor children, and to require the Ordinary of said county to pay for said books.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to establish a Tobacco Inspection in the town of Canton and provide for the appointment of Inspectors.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize Eaton H. Howard, (a one armed man,) and John Taylor, sen., a decrepit and infirm man, of the county of Ware, and Thaddeus Douglas of Clinch, to peddle without paying a tax therefor.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize any Justice of the Inferior Court of the county to administer the oath of office to Justices of the Peace.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal the 19th section of an act, to incorporate a bank in the city of Atlanta, to be called the Bank of Fulton, and for other purposes therein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Justices of the Inferior Court for the county of Dawson, to levy an extra tax for the year 1859.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Springer Mountain Gold and Copper Mining company.

Mr. Quillian moved to amend the report by adding the following section to said bill, to-wit:

*And be it further enacted,* That each and every stockholder shall be liable for any and every debt which said corporation may owe at any time whilst such stockholders held stock in said company. And any execution issued against said company may be levied upon the property of any person who owned stock in said company at any time whilst the debt was owing, upon which said execution is predicated. And any person whose property may be levied on by any such execution shall have the right to contest his liability by filing an affidavit of illegality, which shall be returned to and tried by the Court from whence the execution issued as other illegalities, which was agreed to.

Mr. Hill of Harris, moved further to amend the report by adding the following as a section to said bill, to-wit:

*And be it further enacted,* That the individual property of several stockholders be jointly and severally bound for the redemption of all the liabilities of said incorporation or chartered company, and that noliability, when once created, shall cease upon the expiration of said charter by limitation or otherwise, which was agreed to.

Mr. Adams of Elbert, moved further to amend the report by adding the following as a section of said bill:

*And be it further enacted,* That the Legislature hereby retains the right to repeal, alter or modify this charter at any time in future when, in the opinion of the General Assembly the interests of the State or the public good requires it, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to give John B. Woodard the right to peddle without paying license.

Mr. Tucker moved to amend the report by striking out the words "in this State," in the first section of said bill, and by inserting in lieu thereof the words "in the county of Emmanuel," which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize Joseph Porter, an inhabitant of the county of Worth, to peddle in said county without license, &c.

Mr. Mounger moved to amend the report by adding the following as a section of said bill, and by amending the caption thereof to correspond therewith.

*And be it further enacted by the authority aforesaid,* That Stephen T. Burges, of the county of Dooly, be permitted to peddle in the county of Dooly without paying license for the same, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Elijay Gold and Copper Mining Company.

Mr. Adams of Elbert, moved to amend the report by adding the following as a section of said bill:

*And be it further enacted,* That the Legislature hereby retains the right to repeal, alter or modify this charter at any time in future when, in the opinion of the General Assembly the interest of the State or the public good require it, which was agreed to.

Mr. Hill of Harris, moved further to amend the report by adding the following as a section of said bill:

*And be it enacted,* That the individual property of the several stockholders be and is jointly and severally bound for the redemption of all the liabilities of said incorporation or chartered company, and that no liability, when once created, shall cease or determine upon the expiration of said charter by limitation or otherwise.

Upon agreeing to which motion Mr. Hill of Harris, required the yeas and nays, which being recorded were yeas 51, nays 30.

Those who voted in the affirmative, are Messrs.

Adams of Elbert,	Cooper,	Marshall,
Akins,	Cone,	McDonald,
Arnold,	Crowder,	McRea,
Ashley,	Donaldson	Mounger,
Banks,	Drake,	Neal,
Beall,	Fain,	Overstreet,
Bloodworth of Car-	Felton,	Robinson of Talbot,
roll,	Gordon,	Smith of Hancock,
Bloodworth of Pike	Graham,	Smith of Jefferson,
Bozeman,	Gresham,	Staten,
Brown,	Griffin of Twiggs,	Stripling,
Browning,	Hart,	Treadwell,
Bryan,	Harris of Walton,	Tucker,
Bush,	Hill of Harris,	Turner,
Byrd,	Hill of Sumter,	Walker,
Carlton,	Hixon,	Webb,
Collier,	Jamison,	Wilcoxson,

Colquitt, ~~Y. Y. Y. Y.~~ Mattox, Young of Irwin,

Those who voted in the negative, are Messrs.

Adams of Rabun,	Lockheart,	Thomas,
Atkinson,	Matthews,	Ward,
Bennett,	McGuire,	Warthen,
Briscoe,	Paine,	Whitaker,
Fields,	Price,	Wilcher,
Gibson,	Quillian,	Williams of Berrien
Holcombe,	Strickland,	Williams of Terrell,
Jarrard,	Stubbs,	Williams of White,
Jossey,	Sutton,	Young of Union.
Knox,	Tate,	

So the motion was agreed to.

Mr. Bloodworth of Pike, moved further to amend the report by adding the following proviso to said bill :

Provided that nothing contained in this act shall prevent any subsequent Legislature from modifying or repealing this charter, or the charter of any Manufacturing, Mining or Banking Company that may hereafter be chartered whenever in their judgment the public interest requires it, which was lost.

The report as amended was then agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Marietta Paper Mill Company, and for other purposes.

Mr. Hill of Harris, moved to amend the report by striking out the eleventh section of said bill and by inserting the following section in lieu thereof :

*And be it further enacted by the authority aforesaid, That the individual property of the several stockholders be, and they are jointly and severally bound for the redemption of all the liabilities of said incorporation or chartered company, and that no liability, when once created, shall cease or determine upon the expiration of said charter by limitation or otherwise.*

Upon agreeing to which motion the yeas and nays, were required to be recorded and were yeas 33, nays 41.

Those who voted in the affirmative were Messrs :

Adams of Elbert,	Fain,	Neal,
Banks,	Felton,	Robinson, of Talbot,
Beall,	Gordon,	Staten,
Bozeman,	Graham,	Stripling,
Browning,	Hart,	Treadwell,
Bryan,	Hill of Harris,	Tucker,
Bush,	Hixon,	Turner,

Collier,	Jarrard,	Walker,
Cooper,	Mattox,	Webb,
Donaldson,	Marshall,	Young of Irwin,
Drake,	McDonald,	Young of Union.

Those who voted in the negative were Messrs.:

Adams of Rabun,	Harris of Walton,	Strickland,
Aikens,	Hill of Sumter,	Stubbs,
Arnold,	Holcombe,	Sutton,
Atkinson,	Jamison,	Tate,
Ashley,	Jossey,	Thomas,
Bennett,	Knox,	Ward,
Bloodworth of Car-	Lockheart,	Warthen,
roll,	Matthews,	Whitaker,
Bloodworth of Pike,	McRea,	Wilcher,
Briscoe,	Overstreet,	Wilcoxson,
Brown,	Paine,	Williams of Berrien,
Carlton,	Price,	Williams of Terrell,
Crowder,	Quillian,	Williams of White,
Fields,	Roberts,	
Gibson,	Smith of Hancock,	

So the motion to strike out and insert was lost.

Mr. Hill of Harris, moved to lay the report on the table for the balance of the session, which was lost.

The report was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of Thomas Turner of Whitfield county from all disabilities and liabilities on account of his intermarriage with Mary Turner his wife.

Mr. Stubbs moved to amend the report by adding the following as a section of said bill, and by changing the caption to correspond therewith:

*Be it further enacted by the General Assembly, That Eleanor Gay be and is hereby relieved from all disability on account of her marrying to and divorce from her husband, and that she be authorized to marry again, which was agreed to.*

Mr. Warthen moved further to amend the report by adding the following as a section of said bill, and by changing the caption to correspond therewith:

*And be it further enacted, That Crayton Powell be and he is hereby relieved from all disabilities which he has incurred by reason of his intermarriage with and divorce from Mrs. Powell, which was lost.*

The report as amended was then agreed to, the bill was read the third time and passed.

On motion of Mr. Paine the rules were suspended, and the following resolution of the House of Representatives was taken up and read.

Whereas, it appears from the reports of the Senate proceedings, that there has been introduced into that body, a bill purporting to have passed this branch of the General Assembly, to-wit:

An act to amend an act entitled an act to carry into effect the 9th section of the 3d article of the Constitution, approved Dec. 1st, 1802, which bill, according to the journal of this House, was lost, and through a mistake of one of the engrossing clerks was entered and engrossed as passed.

*Therefore be it Resolved*, That the Clerk be instructed to communicate the same to the Senate, and request that body to return the same to this House.

And Mr. Paine offered the following resolution which was taken up, read and agreed to:

*Resolved*, That the Secretary be instructed to return to the House of Representatives the bill mentioned in the foregoing resolution of the House of Representatives.

The hour for adjournment having arrived, the President adjourned the Senate until half-past 9 o'clock to-morrow morning.

FRIDAY, DECEMBER 3d, 1858.

9½ O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Tucker moved to reconsider so much of the journal of yesterday as relates to the vote by which a bill to be entitled an act to authorize the issuing of garnishments in this State, in favor of persons who have slave property in any free State which refuses to deliver up such slave or slaves, against persons in this State indebted to any citizen of such disloyal State, and for other purposes, was postponed and made the special order for the Fourth day of July next, which was agreed to.

Mr. Quillian moved the reconsideration of so much of the journal of yesterday as relates to the vote by which a bill to be entitled an act to incorporate the Elijah Gold and Copper Mining Company, which was lost.

Mr. Stokes called the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was the motion to reconsider, and the motion was agreed to.

On motion leave of absence was granted to Messrs. Bennett and Bryan for the balance of the session after Thursday next.

Mr. Paine, from the committee on enrollment, reports as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate the following act, to-wit :

To change the time of holding the Superior and Inferior Courts of the county of Wayne.

The following message was received from the House of Representatives, by Mr. Shropshire their clerk :

*Mr. President* :—The House has passed the following bills to-wit :

A bill to be entitled an act to appropriate money for the Medical College of Georgia.

A bill to be entitled an act to repeal an act approved Dec. 17th, 1857, entitled an act to render certain the compensation of teachers of poor children of the respective counties of this State, and to secure to poor children the benefits of the poor school fund, so far as relates to the counties of DeKalb, Union and other counties.

A bill to be entitled an act to provide for the appointment and compensation of a board of visitors to Franklin College, and to prescribe their duties.

Also, a bill to be entitled an act to lay out and organize a new county from the counties of Hall, Habersham and Franklin, and for other purposes.

The Hon. Mr. Harris of Merriwether being in the chair, the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to pardon Burton A. Brooks, of the county of Harris, now under sentence of death for the crime of murder.

The report was agreed to, the bill was read the third time, and upon the question, shall this bill now pass? Mr. Hill of Harris required the yeas and nays; which being recorded were yeas 42, nays 54.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Griffin of Twiggs,	Spalding,
Atkinson,	Harris of Walton,	Smith of Hancock,
Ashley,	Harris of Worth,	Smith of Jefferson,
Bennett,	Hays,	Stubbs,
Bush,	Hill of Harris,	Sutton,
Carlton,	Hill of Sumter,	Thomas,
Crowder,	Jamison,	Tucker,
Fain,	Lockheart,	Ward,
Felton,	Matthews,	West,
Gholston,	McDonald,	Wilcher,
Gibson,	McRea,	Wilcoxson,
Gordon,	Paine	Williams of White,

Gresham, Robinson of Talbot Wooten,  
 Griffin of Talbot, Shropshire, Young of Union,

Those who voted in the negative are Messrs:

Adams of Elbert,	Darden,	Quillian,
Akins,	Drake,	Reid,
Arnett,	Fambro,	Reynolds,
Arnold,	Fields,	Roberts,
Banks,	Graham,	Shepherd,
Beall,	Hammond,	Staten,
Bloodworth of Car-	Hixon,	Stokes,
roll,	Holcombe,	Stowers,
Bloodworth of Pike	Jarrard,	Strickland,
Brown,	Johnson of Pauld-	Stripling,
Browning,	ing,	Tate,
Bryan,	Jossey,	Treadwell,
Bullard,	Knox,	Turner,
Byrd,	Marshall,	Webb,
Castleberry,	McConnell,	Westbrooks,
Cochran,	Morell,	Whitaker,
Collier,	Neal,	Williams of Berrien,
Cumbie,	Overstreet,	Young of Irwin,
Dawson,	Pope,	

So the bill was lost.

The following message was received from the House of Representatives, by Mr. Shropshire their clerk:

*Mr. President* :—The House has agreed to the following joint resolutions, to-wit:

Whereas, in view of the increasing numbers of pupils in the Georgia Military Institute, it may become necessary to employ an additional professor in said institute,

*Be it therefore resolved by the Senate and House of Representatives*, That his Excellency the Governor, in connection with the board of trustees of the said Georgia Military Institute, be authorized and empowered, should they deem it necessary for the welfare of the institution, to employ an additional professor for the same.

Also, *Resolved*, That the Governor be and he is hereby authorized to comply with the request of Tandy Walker, Governor of the Choctaw Nation, and furnish him, for the use of his people, a copy of the digests of the laws of Georgia, and the Supreme Court Reports.

On motion of Mr. Tucker, the rules were suspended for the purpose of offering a resolution.

Mr. Tucker offered the following resolution, which was taken up, read the third time and agreed to:

Whereas, a bill to be entitled an act to amend an act entitled an act, in relation to the public records of counties where they have been destroyed by fire, &c., approved March



5th, 1856, was passed by the House of Representatives, and has been read twice in the Senate, and was then referred and delivered to the Judiciary committee: And further, that said bill has been lost or mislaid, so that the same cannot be found; and it appearing that the copy hereto attached is an exact copy of the bill so lost or mislaid; and that the entries on said copy are the same as those on the original,

*Therefore Resolved*, That this copy be established in lieu of the lost original, and that the same be entered on the journals of the Senate, and that the bill proceed as if the same had not been lost.

A bill to be entitled an act to amend an act entitled an act, in relation to the Public Records of counties where they have been destroyed by fire, approved March 5th, 1856.

Whereas, there is no provision in the above named act for recording a second time, such deeds and other instruments, whose records have been destroyed by fire:

*Therefore the General Assembly do enact*, That where any deed or other instrument in writing has been recorded, or may hereafter be recorded according to the laws of this State, and the record of such deeds or other instruments may be or has been destroyed by fire, such deed or other instrument shall be admitted to a second record upon due proof of its first record and such second record shall be held and considered in lieu of the first record in point of time, and in every other respect.

Mr. Hill of Sumter offered the following resolution, which was taken up, read and agreed to:

Whereas, it has been shown to us that there are several bonds given by agents of the Western and Atlantic Railroad, conditioned to be void if the principals respectively in said bond, faithfully account for all funds which come to their hands as such agents, and the books showing that some of said agents are in default.

*Resolved*, That the superintendent of said Western and Atlantic Railroad, be required to put said bonds in a train of collection, if in his opinion such course would be best for the interest of the State.

On motion of Mr. Cone, the rules were suspended and a resolution previously offered by himself in relation to limiting the time of speeches of Senators was taken up.

Mr. Bloodworth of Pike, moved to fill up the blank with "eight," which was agreed to.

Mr. Cone moved further to amend the resolution by striking out "Thursday" and inserting "Saturday," in lieu thereof, which was agreed to.

The resolution as amended was then agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend an act to make valid all commissions which may have heretofore been or may hereafter be issued in blank for the purpose of taking testimony in any case arising, or which may hereafter arise in any of the Courts of law and equity in this State.

Mr. Tucker moved to amend the report by striking out the proviso to the second section of said bill, which was agreed to.

The report as amended, was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Judges of the Superior Courts of the Cherokee Circuit to appoint a Master in Equity in each of the counties of said circuit, and to authorize the Judge to submit to such master all matters of account, calculation, &c., and to define the duties of such Master in Equity, and to compensate him for the same.

The committee on the Judiciary offered the following bill as a substitute, to-wit:

A bill to be entitled an act to authorize the appointment of Masters in Equity and define their duties, which was adopted in lieu of the original.

The report as amended, was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act for ascertaining the rights of aliens and pointing out a mode for admission of citizens, approved 7th February, 1785.

The select committee to whom the same was referred, offered the following substitute, to-wit:

A bill to be entitled an act to extend and enlarge the provisions of the act, approved 7th February, 1785, so as to include real estate.

Mr. Stubbs moved to amend the substitute, by adding the following section thereto, to-wit:

*And be it further enacted by the authority aforesaid, That the provisions of this act shall only extend to the counties of Union, Fannin, Gilmer, Lumpkin, White and Ware; which was lost.*

The motion to adopt the substitute in lieu of the original, was then put and lost.

The report was then agreed to, the bill was read the third time, and upon the question, shall this bill now pass?

Mr. Young of Union, required the yeas and nays, which being recorded, were yeas 11, nays 85.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Shropshire,	Westbrooks,
Brown,	Strickland,	Williams of White,
Fain,	Stubbs,	Young of Union.
McDonald,	Ward,	

Those who voted in the negative are Messrs :

Adams of Elbert,	Fields,	Mounger,
Akins,	Gholston,	Neal,
Arnold,	Gordon,	Overstreet,
Atkinson,	Graham,	Paine,
Banks,	Gresham,	Pope,
Beall,	Griffin of Calhoun,	Reynolds,
Bennett,	Griffin of Twiggs,	Roberts,
Billups,	Hart,	Robinson of Talbot,
Bloodworth of Car-	Harris of Merri-	Riley of Lumpkin,
roll,	wether,	Shepherd,
Bloodworth of Pike,	Harris of Walton,	Spalding,
Browning,	Harris of Worth,	Smith of Hancock,
Bryan,	Hays,	Smith of Jefferson,
Bullard,	Hill, of Harris,	Staten,
Bush,	Hill of Sumter,	Stokes,
Byrd,	Hixon,	Stripling,
Carlton,	Holcombe,	Sutton,
Castleberry,	Jamison,	Tate,
Cochran,	Jarrard,	Thomas,
Collier,	Johnson of Paulding,	Treadwell,
Cone,	Jossey,	Turner,
Crowder,	Knox,	Walker,
Cumbie,	Lockheart,	Webb,
Dawson,	Marshall,	West,
Darden,	Matthews,	Whitaker,
Donaldson,	McConnell,	Wilcher,
Drake,	McGuire,	Wilcoxson,
Fambro,	McRea,	Williams of Berrien,
Felton,	Morell,	Young of Irwin,

So the bill was lost.

The hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

## AFTERNOON SESSION.

THREE O'CLOCK, P. M

The Senate met according to adjournment.

On motion, leave of absence was granted to Messrs. Castleberry, Hart and Tate, for the balance of the session after Friday next.

Mr. Tucker from the committee on the Judiciary made the following report :

The committee on the Judiciary have considered,

A bill to be entitled an act, to point out the mode of collecting demands due from free persons of color in this State, and recommend that the bill do pass.

The committee have also considered,

A bill to be entitled an act to establish a uniform law on the subject of slander, and recommend that the bill do pass.

The committee have also considered,

A bill to be entitled an act to protect the rights of the people of Georgia, from violation by Congress or by other States, and recommend that the bill do pass.

The committee have also considered the following bills of the House of Representatives:

A bill to be entitled an act to alter and amend 15th section of the 14th division of the Penal code, and recommend its passage.

Also, a bill to be entitled an act to prescribe the mode and manner of selecting, drawing and summoning jurors for the trial of criminal cases in the Superior Courts of the county of Chatham, and for other purposes, herein mentioned, and recommend the passage of the bill.

Also, a bill to be entitled an act to amend an act entitled an act for preventing and punishing vice, profaneness and immorality, and for keeping holy the Lord's day, commonly called Sunday, approved March 4th, 1762, and recommend that the bill do pass.

Also, a bill to be entitled an act to amend the laws in relation to marriage, and inheriting property in certain cases therein specified, and report the same back to the Senate without any recommendation.

Also a bill to be entitled an act to alter and amend an act entitled an act to provide for the perfecting of titles to land where parties die and have bonds out for titles, assented to December 22d 1857, and recommend that the bill do not pass.

Also a bill to be entitled an act to curtail the jurisdiction of the Supreme Court in criminal cases and for other purposes, relating to the uniformity and stability of the decisions of

said tribunal, and recommend that the bill do not pass. All of which is respectfully submitted.

JOHN A. TUCKER, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to be entitled an act to encourage the improvement and settlement of vacant lands and protect innocent purchasers.

Mr. Stubbs moved to amend the report by adding the following words to the caption of said bill "and to increase litigation in this State which was agreed to.

Mr. Adams of Elbert moved that the report as amended be laid on the table for the present, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend the third section and third article of the Constitution.

The report of the Committee on amendments to the Constitution being against the the passage of the bill the report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to provide for making returns of the Militia &c.

The committee on the Military moved to amend the report by inserting the words "Justices of the Peace" after the words "Receiver" and by adding the following section to said bill, to-wit:

And be it further enacted that in case there are no Justice or Justices of the Peace in any Militia District, in any county in this State, then the receiver of tax returns shall make out the list of men liable to perform Militia duty, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

A bill to be entitled an act to add an additional section to the tenth division of the Penal Code.

Mr. Young of Union moved that the report be laid on the table for the balance of the session.

Upon agreeing to which motion Mr. Gibson required the yeas and nays which being recorded were yeas 55 and nays 45.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Hays,	Stokes,
Akins,	Hill of Harris,	Stowers,
Ashley,	Hixon,	Strickland,
Bennett,	Holcomb,	Stripling,

Billups,	Jamison,	Stubbs,
Bloodworth of Pike,	Jarrard,	Sutton,
Bozeman,	Jossey,	Tate,
Browning,	Knox,	Thomas,
Bush,	Lockheart,	Treadwell,
Byrd,	Mattox,	Turner,
Carlton,	McDonald,	Warthen,
Dawson,	McGuire,	Webb,
Drake,	McRea,	West,
Fields,	Paine,	Wilcher,
Gholston,	Pope,	Williams of Berrien,
Graham,	Reid,	Williams of Terrell,
Griffin of Calhoun,	Riley of Lumpkin,	Young, of Irwin,
Griffin of Twiggs,	Staten,	Young of Union,
Harris of Worth,		

Those who voted in the negative are Messrs.

Adams of Rabun,	Fambro,	Neal,
Arnold,	Felton,	Overstreet,
Banks,	Gibson,	Price,
Beall,	Gordon,	Quillian,
Bloodworth of Carroll,	Gresham,	Robinson of Talbot,
Briscoe,	Hart,	Shepherd,
Bryan,	Harris of Merri-	Shropshire,
Bush,	wether,	Spalding,
Castleberry,	Harris of Worth,	Smith of Hancock,
Collier,	Hill of Harris,	Smith of Jefferson,
Colquitt,	Hill, of Sumter,	Tucker,
Cone,	Johnson of Pauld-	Walker,
Crowder,	ing,	Ward,
Cumbie,	Matthews,	Westbrooks,
Darden,	McConnell,	Whitaker,
Donaldson,	Morell,	Wilcoxou,
Fain,	Mounger,	Williams of White,

So the motion to lay the report on the table for the balance of the session prevailed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act in relation to continuances, &c.

The report was agreed to, the bill was read the third time and upon the question shall this bill now pass? Mr. Stubbs required the yeas and nays which being recorded were yeas 44 nays 52.

Those voting in the affirmative are Messrs :

Adams of Elbert,	Griffin of Calhoun,	Overstreet,
Banks,	Harris of Merriweth-	Paine,
Beall,	er,	Price,

Briscoe,	Hill of Sumter,	Roberts,
Bush,	Jamison,	Robinson of Talbot,
Colquitt,	Jarrard,	Shepherd,
Crowder,	Johnson of Paul-	Smith of Hancock,
Cumbie,	ing,	Stokes,
Dawson,	Jossey,	Stubbs,
Darden,	Knox,	Sutton,
Fambro,	Lockheart,	Tucker,
Gholston,	Matthews,	Ward,
Gibson,	McConnell,	Warthen,
Gordon,	Mounger,	Westbrooks,
Graham,	Neal,	Wilcher,
Gresham,		

Those who voted in the negative are Messrs:

Adams of Rabun,	Fambro,	Smith of Jefferson,
Akins,	Felton,	Stowers,
Arnold,	Fields,	Strickland,
Ashley,	Griffin of Twiggs,	Stripling,
Bennett,	Hart,	Tate,
Billups,	Harris of Walton,	Thomas,
Bloodworth of Car-	Harris of Worth,	Treadwell,
roll,	Hays,	Turner,
Bloodworth of Pike,	Hill of Harris,	Walker,
Bozeman,	Hixon,	Webb,
Browning,	Holcombe,	West,
Bryan,	Mattox,	Whitaker,
Byrd,	McDonald,	Wilcoxson,
Carlton,	McGuire,	Williams of Berrien,
Castleberry,	McRea,	Williams of Terrell,
Donaldson,	Quillian,	Williams of White,
Drake,	Reid,	Young of Irwin,
Fain,	Riley of Lumpkin,	Young, of Union,

So the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to compel free persons of color to leave the State, and for other purposes.

Mr. Reid moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prescribe the manner in which precincts may be established, altered or abolished by the Interior Courts of this State.

The report of the committee on the Judiciary, being against the passage of the bill, the report was agreed to, and the bill was lost.

Mr. Strickland from the Committee on Internal Improvements made the following report,

The Committee on Internal Improvements have considered,

A bill to be entitled an act to incorporate the Lumpkin and Florence Railroad Company, and to define the privileges and liabilities of the same, and recommend that the bill do pass.

HARDY STRICKLAND, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Lumpkin and Florence Railroad, and to define the privileges and liabilities of the same.

Mr. Adams of Elbert moved to amend the report by adding the following section to said bill, to-wit :

*And be it further enacted,* That the Legislature hereby retains the right to repeal, alter, or modify this charter at any time in future, when in the opinion of the General Assembly the interest of the State or the public good require it, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

Mr. Young of Union, from the Committee to examine physicians, made the following report,

The Committee to examine physicians have considered,

A bill to be entitled an act to authorize E. N. Beazly of Taliaferro county, to practice medicine and charge for and collect the same.

And the applicant having appeared before the committee and undergone a satisfactory examination, we recommend that the bill do pass.

ANDREW YOUNG, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act amendatory of the acts of 1835 and 1837, as to the protection of free persons of color, and to point out the mode of trying the right of freedom, so as to prohibit the Courts from entertaining such suits where a person of color has been sold for crime in another State into slavery and brought into this as a slave.

The report of the Committee on the Judiciary being against the passage of the bill,

Upon the motion to agree to the report, the yeas and nays were required to be recorded and were yeas 68 nays 31.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Hart,	Robinson of Talbot,
Akins,	Harris of Merri-	Spaulding,
Bennett,	wether,	Smith of Hancock,



Billups,	Hays,	Smith of Jefferson,
Bloodworth of Pike,	Hill of Sumter,	Staten,
Browning,	Hixon,	Stokes,
Byrd,	Jarrard,	Stowers,
Carlton,	Jossey,	Strickland,
Colquitt,	Knox,	Stripling,
Cone,	Lockheart,	Stubbs,
Crowder,	Mattox,	Sutton,
Cumbie,	Matthews,	Thomas,
Dawson,	McConnell,	Treadwell,
Darden,	McDonald,	Turner,
Donaldson,	McRea,	Walker,
Drake,	Morell,	Ward,
Fambro,	Mounger,	Warthen,
Fain,	Neal,	Webb,
Felton,	Paine,	Westbrooks,
Gholston,	Pope,	Whitaker,
Gibson,	Price,	Wilcher,
Graham,	Quillian,	Williams of Berrien,
Gresham,	Reynolds,	Williams of White,

Those who voted in the negative are Messrs :

Adams of Rabun,	Castleberry,	McGuire,
Arnold,	Cochran,	Reid,
Atkinson,	Fields,	Roberts,
Ashley,	Gordon,	Riley of Lumpkin,
Banks,	Griffin of Twiggs,	Shepherd,
Beall,	Harris of Walton,	Tate,
Bloodworth of Car-	Harris of Worth,	Tucker,
roll,	Hill, of Harris,	West,
Bozeman,	Holcombe,	Wilcoxson,
Briscoe,	Johnson of Pauld-	Young of Irwin,
Bullard,	ing,	
Bush,		

So the report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the laws of the State relative to the election of Attorneys and Solicitors, where vacancies occur.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prohibit the forfeiture of defendants' bonds in criminal cases under the degree of felony when the defendants are sick, and to make sickness a cause of continuance in such cases.

Mr. Harris of Worth, moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to encourage the system of Internal Improvement in this State.

Mr. Harris of Worth, moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the agencies of Insurance Companies not incorporated by the State of Georgia.

The committee on Banks moved to amend the report by striking out that portion of the 2d section of said bill requiring Insurance Companies of foreign countries to make investments in stock in the United States by striking out the 3d and 4th sections of said bill, by striking out the word "double," in the 5th section of said bill, and by striking out the words "not less than one month nor more than twelve months," in the 7th section of said bill, and by inserting in lieu thereof the words "not exceeding three months," which was agreed to.

And pending the consideration of the report as amended, on motion of Mr. Spaulding the Senate adjourned until half past 9 o'clock to-morrow morning.

## SATURDAY, DECEMBER 4th, 1858.

9½ o'clock, A. M.

The Senate met according to adjournment.

Mr. Hill of Harris, moved to reconsider so much of the journal of yesterday as relates to a vote by which

A bill to be entitled an act to pardon Burton A. Brooks, of the county of Harris, now under sentence of death for the crime of murder, was lost, which was agreed to.

Mr. Tucker moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to alter and amend an act to make valid all commissions which may have heretofore been or may hereafter be issued in blank for the purpose of taking testimony in any case arising, or which may hereafter arise in any of the Courts of law and equity in this State was lost, which motion was lost.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President* :—The House has passed the following bill, to wit :

A bill to be entitled an act to change the lines between certain counties therein named.

Also, they have agreed to a joint resolution in relation to a certain square of land in the city of Columbus, and for other purposes therein mentioned.

Mr. Ward moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to alter and amend the third section and third article of the Constitution was lost, which motion was lost.

Mr. Bloodworth of Pike, moved to reconsider so much of the journal of yesterday as relates to the vote by which the report of the Committee on the Judiciary on

A bill to be entitled an act to prescribe the manner in which precincts may be established, altered or abolished by the Inferior Courts of this State was agreed to, which motion to reconsider was agreed to.

Mr. Gordon moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to encourage the system of Internal Improvement in this State, was laid on the table for the balance of the session, which was agreed to.

Mr. Young from the committee to examine Physicians, made the following report :

The Committee to examine Physicians have considered

A bill to be entitled an act to authorize John Boon, of the county of Milton, to practice medicine and to charge and collect compensation for the same by law.

And upon satisfactory evidence that the applicant is a regular graduate of one of the colleges of Philadelphia, and that his diploma was destroyed by fire, unanimously recommend that the bill do pass.

ANDREW YOUNG, Chairman.

On motion of Mr. Cone the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the Registry Laws of the city of Savannah.

Mr. Cone moved to amend the report by striking out the word "misdemeanor," from the 5th section of said bill and by inserting the word "felony," and by striking out the words "fine or imprisonment, or both, in the discretion of the Court," from the same section, and by inserting in lieu thereof the words "confinement and hard labor in the Penitentiary for not less than two nor more than five years," which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

And on motion of Mr. Cone the same was ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. Adams of Elbert, the rules were suspended and the following bill of the House of Representatives was taken up, read the second time and referred to the committee on Public Education and Free Schools, to-wit:

A bill to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the Public Debt, and to provide for the education of the children in the several counties of the State.

The Senate resumed the consideration of the unfinished business of yesterday, which was the report of the committee of the whole as amended on

A bill to be entitled an act to regulate the agencies of Insurance Companies not incorporated by the State of Georgia.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the special order of the day the report of the committee of the whole on

A bill to be entitled an act to prescribe an additional penalty for disobedience by the several banks of this State to the provisions of the act passed 22d December, 1857, touching annual and semi-annual reports.

And the substitute offered for the same by the committee on Banks.

And on motion of Mr. Arnold, the same was postponed for the present and made the special order for Monday next.

Mr. Tucker moved that 150 copies of the original bill of the substitute of the committee on Banks, and of the substitutes of Mr. Fambro and of Mr. Stubbs, and an amendment of his own to the original bill, to be offered, be printed for the use of the Senate, which was agreed to.

The Committee on Public Printing beg leave to make the following report:

Whereas, in the opinion of the committee to whom was referred the subject of Public Printing, having had the same under consideration, find that a great reduction in the usual price paid for public printing may be effected, as well as to facilitate the publication of our Statute Laws, report the following resolution and recommend that it do pass.

MONGER, Chairman.

*Resolved by both branches of the General Assembly of the State of Georgia,* That it shall be the duty of His Excellency the Governor to advertise in six of the public gazettes of this State, that sealed proposals will be received for the printing of the Laws and Journals of the present session of the Legislature, at the Comptroller General's office, and that His Excellency is hereby required to award the contract to the

lowest bidder, and take bond and good and sufficient security for the same to be ready for delivery by the 1st of April next.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to render certain the legal construction of wills, deeds or other instruments in this State.

The report of the committee on the Judiciary being against the passage of the bill.

The report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal an act entitled an act to require all promises, acknowledgments and admissions of debts made after the statute of limitations has commenced running, to be reduced to writing, or some note or memorandum thereof, made in writing and subscribed by the person or persons making the same in order to revive said notes or debts.

The report of the committee on the Judiciary being against the passage of the bill.

The report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to relieve Tax Collectors of this State.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal a part of the fifth section of the act organizing the Supreme Court.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to require the Treasurer of this State to sign the coupons of the old six per cent bonds of this State, for the whole of the interest as it falls due, or to issue new bonds with all the coupons signed.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act entitled an act to carry into effect that part of the first section of the third article of the Constitution, which requires the establishment of a Supreme Court for the correction of errors, and to organize the same, and to regulate the proceedings therein, approved December 10th 1845.

Mr. Bartlett moved to amend the report by adding the following words to the 3d section of said bill, to-wit: “To be adjudged of by the Court,” which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prohibit the sale or furnishing of Lottery tickets to slaves and free persons of color, and to punish those who are guilty of a violation of this act, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to authorize the vesting of certain estates in the Clerks of the Superior Courts of this State, and for other purposes.

The committee on the Judiciary, moved to amend the report by striking out the words “better entitled,” which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to create a new Judicial circuit, and to provide for the appointment and election of a Judge and Solicitor General for the same, and to fix the time for holding the same.

The committee on the Judiciary, moved to amend the report by inserting in the first section of said bill the counties of “Washington and Jefferson,” which was lost.

Mr. Browning moved to amend the report by striking out the county of “Laurens,” in the first section of said bill, which was agreed to.

Mr. McDonald moved further to amend the report, by striking out the county of “Coffee,” in the first section of said bill, which was agreed to.

Mr. Overstreet moved further to amend the report, by striking out the county of “Emmanuel,” in the first section of said bill, which was agreed to.

Mr. Smith of Hancock, moved to lay the report as amended, on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to lay out and organize a new county from the counties of Lowndes and Clinch.

Mr. Staten moved to amend the report by filling up the blank in the tenth section of said bill with the words “Mon

days after the Inferior Courts in the county of Clinch, which was agreed to.

The report as amended, was then agreed to, the bill was read the third time, and upon the question, shall this bill now pass; Mr. Fambro required the yeas and nays, which being recorded, were yeas 65, nays 29.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Graham,	Quillian,
Arnett,	Gresham.	Roberts,
Arnold,	Griffin of Calhoun,	Shropshire,
Bartlett,	Griffin of Twiggs,	Spalding,
Beall,	Hammond,	Staten,
Bennett,	Hart,	Strickland,
Brown,	Harris of Worth,	Stripling,
Browning,	Hixon,	Stubbs,
Bryan,	Jamison,	Sutton,
Bullard,	Jarrard,	Treadwell,
Bush,	Johnson of Pauld-	Tucker,
Byrd,	ing,	Turner,
Castleberry,	Knox,	Walker,
Cochran,	Mattox,	Webb,
Collier,	Matthews,	Westbrooks,
Oone,	McConnell,	Whitaker
Cumbie,	McDonald,	Wilcher,
Donaldson,	Morell,	Williams of Ber-
Drake,	Mounger,	rien,
Fain,	Overstreet,	Williams of White,
Felton.	Paine,	Young, of Irwin,
Fields,	Price,	Young of Union,
Gibson,		

Those voting in the negative are Messrs :

Adams of Elbert,	Gholston,	Reid,
Aikins,	Harris of Merriweth-	Reynolds,
Bloodworth of Car-	er,	Robinson of Talbot
roll,	Harris of Walton,	Riley, of Lumpkin
Bloodworth of Pike,	Hays,	Shepherd,
Carlton,	Lockheart,	Smith of Hancock
Colquitt,	McGuire,	Tate,
Crowder,	McRea,	Thomas,
Dawson,	Neal,	Ward,
Darden,	Pope,	Wilcoxson,
Fambro,		

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Shropshire, their Clerk :

*Mr. President.*—The House has passed the following bill to-wit:

A bill to make uniform the decisions of the Supreme Court, to regulate the reversals of the same, and for other purposes; and which I am directed to transmit forthwith to this branch of the General Assembly.

On motion of Mr. Felton, the rules were suspended, and the following bill of the House of Representatives was taken up and read the first time, to-wit:

A bill to be entitled an act to make uniform the decisions of the Supreme Court of this State, to regulate the reversals of the same, and for other purposes.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the act to exempt from sale for debts contracted after a given time, certain articles for the subsistence of debtors family, approved, December 23d, 1822, and the several acts amendatory thereof.

Mr. Dawson moved to amend the report by adding the words "and also one negro."

Mr. Hill of Harris, called the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was the motion to agree to the report, and the report was agreed to.

The bill was read the third time, and upon the question, shall this bill now pass? Mr. Paine required the yeas and nays, which being recorded, were yeas, 42, nays 48.

Those who voted in the affirmative were Messrs:

Adams of Rabun,	Gholston,	Neal,
Beall,	Gibson,	Overstreet,
Briscoe,	Gresham,	Paine,
Browning,	Griffin of Calhoun,	Reynolds,
Byrd,	Griffin of Twiggs,	Shepherd,
Carlton,	Hammond,	Shropshire,
Collier,	Hart,	Smith of Hancock,
Colquitt,	Harris of Worth,	Staten,
Crowder,	Hays,	Stubbs,
Darden,	Hill of Harris,	Turner,
Donaldson,	Hixon,	Walker,
Drake,	Knox,	Ward,
Fain,	Lockheart,	Webb,
Felton,	Matthews,	Young of Union,

Those who voted in the negative were Messrs:

Adams of Elbert,	Gordon,	Robinson, of Talbot,
Akins,	Graham,	Riley of Lumpkin,
Arnett,	Harris of Walton,	Spalding,
Arnold,	Jamison,	Strickland,



Bartlett,	Jarrard,	Stripling,
Bennett,	Johnson of Paulding	Sutton,
Bloodworth of Car-	Mattox,	Tate,
roll,	McConnell,	Thomas,
Bloodworth of Pike,	McDonald,	Treadwell
Brown,	McGuire,	Tucker,
Bryan,	McRea,	Warthen,
Bullard,	Mounger,	Westbrooks
Bush,	Price,	Wilcher,
Castleberry,	Quillian,	Williams of Berrien,
Dawson,	Reid,	Williams of White,
Fambro,	Roberts,	Young of Irwin,
Fields,		

So the bill was lost.

On motion of Mr. Harris of Worth, the Senate then adjourned until 3 o'clock, P. M.

#### AFTERNOON SESSION.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

On motion of Mr. Adams of Elbert the rules were suspended for the purpose of offering a resolution.

Mr. Adams of Elbert offered the following resolution, which was taken up, read and agreed to :

Whereas, in the Indian wars from 1794 to 1796, the war with Great Britain of 1812, the Indian disturbances of 1817 and 1818, the Florida war of 1836 and 1837, the Creek war, and the removal of the Cherokees, the State of Georgia through her militia, rendered important military service to the United States, in the prosecution of these several wars, and whereas, the public service thus rendered was, in many instances, paid for by the State of Georgia, and the sums thus advanced have never been refunded by the general government, as will appear from the several muster and pay rolls of file in the Executive Department of Georgia and in the War Department at Washington City,

And whereas, many citizens of Georgia, who were thus virtually engaged in the military service of the United States in the carrying on of these several wars against the common enemy of the county, cannot, under the existing bounty, land laws, avail themselves of the bounty which Congress manifestly intended to bestow upon all soldiers who have rendered such service,

*Therefore be it resolved by the General Assembly of Georgia, now in session, That our Senators in Congress be intructed, and our Representatives be requested, to exert all their influence to have an act passed by Congress, refunding the various sums advanced as aforesaid, as a matter of justice to the State of Georgia; and in order to enable her citizens who rendered the military service as aforesaid, or their widows and orphans to obtain the benefits of the bounty land laws, in common with other soldiers.*

Mr. Tucker, from the committee on the judiciary, made the following report:

The committee on the judiciary have considered a bill to be entitled an act to amend an act relative to bastardy, approved Dec 16th, 1793, and propose to amend the same by adding the following proviso to the second section of said bill:

Provided, however, if said defendant will give satisfactory bond and security in the sum now fixed by law conditioned as bastardy bonds are now required by law, such defendant shall be forthwith released from custody, and such bond shall be returned by the Sheriff and filed in the Clerk's office of the Inferior Court of the county where such warrant issued; and with this amendment recommend the passage of the bill.

The committee have also considered a bill to be entitled an act to regulate the duties of Judges in certain cases and propose to amend the same by striking out the words "or any near relation," in the first section of said bill, and by inserting in lieu thereof, the words "or any relation of his wherein such Judge would be incompetent as a juror, as settled by the common law to try such cases," and with this amendment recommend the passage of the bill.

The committee have also considered a bill to be entitled an act to amend the penal laws of this State, in relation to free persons of color and nominal slaves, &c., and propose to amend the same by striking out the word "felonies," after "considered as," and by inserting the word "misdemeanor" in lieu thereof; and by inserting after the words "articles of value," the words "of one dollar;" and with these amendments recommend the passage of the bill.

The committee have also considered a bill of the House of Representatives to be entitled an act to amend an act approved the 19th of December, 1829, to point out and regulate the manner of taking the testimony of females in certain cases, so as to include practising physicians and school teachers in actual employment; and recommend the passage of the bill.

JOHN A. TUCKER, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize James Boyd, late

tax collector of Telfair county, to make titles to certain lands sold by him, by virtue of fi, fas. issued by him as tax collector aforesaid.

Mr. Griffin of Twiggs moved that the report be laid on the table for the balance of the session which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to make the Governor of this State, and in his absence, the oldest member of the board of trustees who may be present, President of said board.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to lay out and organize a new county from the counties of Gordon, Cass, Cherokee, Pickens and Gilmer, and for other purposes.

Mr. Holcomb moved to amend the report by striking out so much of the first section of said bill as relates to Cherokee county, which was agreed to.

Mr. Price moved further to amend the report by striking out so much of the first section of said bill as relates to the county of Cass, which was agreed to.

Mr. Tate moved further to amend the report by striking out so much of the first section of said bill as relates to the county of Pickens, which was agreed to.

Mr. Quillian moved further to amend the report by striking out so much of the first section of said bill as relates to the county of Gilmer, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and upon the question, shall this bill now pass? Mr. Fambro required the yeas and nays, which being recorded were yeas 47, nays 49.

Those who voted in the affirmative, are Messrs.

Adams of Elbert,	Gibson,	Paine,
Adams of Rabun,	Graham,	Price,
Akins,	Griffin of Twiggs,	Quillian,
Ashley,	Hart,	Riley of Lumpkin,
Beall,	Hixon,	Shropshire,
Bennett,	Holcombe,	Strickland,
Bloodworth of Pike,	Jamison,	Stripling,
Bozeman,	Jarrard,	Tate,
Browning,	Johnson of Pauld-	Thomas,
Bush,	ing,	Treadwell,
Byrd,	Knox,	Turner,
Cochran,	McConnell,	Westbrooks,
Donaldson,	McDonald,	Wilcher,
Fain,	Mounger,	Williams of White,
Fields,		Young of Irwin,

**Gholston,**                      **Overstreet,**                      **Young of Union,**

**Those who voted in the negative are Messrs:**

<b>Arnett,</b>	<b>Dawson,</b>	<b>McGuire,</b>
<b>Arnold,</b>	<b>Darden,</b>	<b>McRea,</b>
<b>Atkinson,</b>	<b>Drake,</b>	<b>Morell,</b>
<b>Banks,</b>	<b>Fambro,</b>	<b>Neal,</b>
<b>Bartlett,</b>	<b>Felton,</b>	<b>Reid,</b>
<b>Billups,</b>	<b>Gordon,</b>	<b>Reynolds,</b>
<b>Bloodworth of Car-</b>	<b>Gresham,</b>	<b>Robinson of Talbot,</b>
<b>roll,</b>	<b>Griffin of Calhoun,</b>	<b>Shepherd,</b>
<b>Briscoe,</b>	<b>Hammond,</b>	<b>Spaulding,</b>
<b>Brown,</b>	<b>Harris of Merri-</b>	<b>Stokes,</b>
<b>Bryan,</b>	<b>wether,</b>	<b>Stubbs,</b>
<b>Carlton,</b>	<b>Harris of Walton,</b>	<b>Sutton,</b>
<b>Castleberry,</b>	<b>Hays,</b>	<b>Walker,</b>
<b>Colquitt,</b>	<b>Hill of Harris,</b>	<b>Ward,</b>
<b>Cone,</b>	<b>Hill of Sumter,</b>	<b>Webb,</b>
<b>Crowder,</b>	<b>Lockheart,</b>	<b>Wilcoxson,</b>
<b>Cumbe,</b>	<b>Matthews,</b>	<b>Williams of Terrell,</b>

**So the bill was lost**

The Hon. William H. Stiles, Senator elect from the county of Chatham, to fill the vacancy occasioned by the resignation of the Hon. John E. Ward, appeared, presented his credentials, and was sworn agreeably to the Constitution of this State, and to support the Constitution of the United States, by the President of the Senate, and took his seat.

On motion of Mr. Hill of Harris the rules were suspended, and the Senate took up as the report of the committee of the whole, a reconsidered bill to be entitled an act to pardon Burton A. Brooks, of the county of Harris, now under sentence of death for the crime of murder.

The report as amended was agreed to, the bill was read the third time and upon the question, shall this bill now pass? Mr. Arnold required the yeas and nays, which being recorded, were yeas 52, nays 43.

**Those who voted in the affirmative are Messrs:**

<b>Adams of Rabun,</b>	<b>Griffin of Calhoun,</b>	<b>Price,</b>
<b>Ashley,</b>	<b>Griffin of Twiggs,</b>	<b>Robinson of Talbot</b>
<b>Bartlett,</b>	<b>Hart</b>	<b>Shropshire,</b>
<b>Bennett,</b>	<b>Harris of Walton,</b>	<b>Spalding,</b>
<b>Bozeman,</b>	<b>Harris of Worth,</b>	<b>Stubbs,</b>
<b>Briscoe,</b>	<b>Hays,</b>	<b>Sutton,</b>
<b>Buillard,</b>	<b>Hill of Harris,</b>	<b>Thomas,</b>
<b>Bush,</b>	<b>Hill of Sumter,</b>	<b>Tucker,</b>
<b>Carlton,</b>	<b>Jamison,</b>	<b>Turner,</b>
<b>Castleberry,</b>	<b>Jarrard,</b>	<b>Ward,</b>
<b>Crowder,</b>	<b>Lockheart,</b>	<b>Westbrooks,</b>
<b>Donaldson,</b>	<b>Mattox,</b>	<b>Wilcher,</b>

Fain,	Matthews,	Wilcoxson,
Felton,	McDonald,	Williams of Terrell,
Gholston,	McRea,	Williams of White,
Gibson,	Mounger,	Young of Union.
Gordon,	Overstreet,	
Gresham,	Paine,	

Those who voted in the negative, are Messrs.

Adams of Elbert,	Cumbe,	Quillian,
Aikens,	Darden,	Reid,
Arnold,	Drake,	Reynolds,
Banks,	Fambro,	Roberts,
Beall,	Fields,	Riley of Lumpkin,
Bloodworth of Car-	Graham,	Shepherd,
roll,	Hammond,	Stokes,
Bloodworth of Pike	Hixon,	Strickland,
Brown,	Holcombe	Stripling,
Browning,	Johnson of Paulding	Tate,
Bryan.	Knox,	Treadwell,
Byrd,	McConnell,	Webb,
Cochran,	McGuire,	Williams of Berrien
Colquitt,	Morell,	Young of Irwin,
Cone,	Neal,	

So the bill was passed.

The Hon. William H. Stiles, upon the call of his name, in voting upon the foregoing bill, requested to be excused from voting, as he had just taken his seat and was unacquainted with the facts of the case, which was granted.

On motion of Mr. Briscoe, the foregoing bill for the pardon of Burton A. Brooks, was ordered to be forthwith transmitted to the House of Representatives.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to allow additional fees to clerks, &c.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to protect religious societies in the exercise of their religious duties, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of James Hoggans, of the county of Floyd.

Mr. Bartlett moved to amend the report by adding the following as a section to said bill, to-wit:

*And be it further enacted,* That John Hardwick, of the county of Jasper, be entitled to the provisions of this act so as to be relieved from his wife, Mary Hardwick, who has obtained a divorce, and that he be entitled to marry again. And by changing the caption to correspond therewith, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create additional powers to the corporate authorities of said town.

Mr. Bloodworth of Carroll, moved to amend the report by adding several sections to said bill, incorporating the town of Bowden, in the county of Carroll, and by changing the caption to correspond therewith, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the time of holding the Superior and Inferior Courts of Schley county.

The report was agreed to, the bill was read the third time and passed.

Mr. Warthen, from a Special Committee, made the following report:

The Special Committee to whom was referred a bill to be entitled an act to repeal all laws exempting from taxation stock owned by the State in any Banking Company, beg leave to report that under the operation of the act of 1852, the State relinquished tax on its stock in the Bank State of Georgia (including tax on the University stock) amounting to \$1106 64, and receives back in dividends its pro rata part of this sum, about \$200, leaving \$900 clear loss per annum on this account.

The whole amount of tax relinquished by said act amounts to \$1591 00 per annum.

Or to take another view of the case, the State stock in this Bank is not exempted from taxation as it is managed.

The corporation pays into the Treasury, \$4,268 36, which reduces alike the dividends on the State stock, and that of other stockholders.

By the management in this case the act, so far from securing the exemption of the State stock from taxation, seems to operate merely as a reduction of tax on the whole stock (the State's included) about ten cents on the \$100.

The shortest and easiest way to secure justice and equality is to repeal the law

The committee do therefore recommend that the bill do pass.

All of which is respectfully submitted.

R. L. WARTHEN, Chairman.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend the tax laws of this State.

On motion the report was laid on the table for the balance of the session.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk :

*Mr. President* :—The House has passed the following bill, to-wit :

A bill making certain appropriations for the year 1859, and other purposes, which I am directed to transmit forthwith to this branch of the General Assembly.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to remove the Penitentiary to some suitable location, and rebuild the same, and for other purposes therein named.

Mr. Harris moved that the report be taken up by sections, which was agreed to.

The first section being read, Mr. Harris of Worth moved to strike out the word "three" and insert in lieu thereof the word "eight," and after "proper persons," to insert the words "one from each Congressional district," which was lost.

The first section was then agreed to.

The second section being read, Mr. Harris of Worth moved to amend the same by adding the following proviso thereto, to-wit :

Provided that the report of the commissioners be ratified by the next Legislature, which was lost.

The second section was then agreed to.

The third section being read Mr. Bloodworth of Pike moved to amend the same by inserting after the word "Penitentiary" and before the word "shall," the words "or on the route to and from the same," which was agreed to.

The third section was then agreed to.

The fourth section being read, Mr. Ward moved to amend the same by striking out the words "practical mechanics," and inserting in lieu thereof the word "architects," which was agreed to.

The fourth section was then agreed to.

Mr. Paine moved to amend the report by adding the following as a section to said bill, to-wit :

*And be it further enacted*, That the new Penitentiary shall not be commenced until after the meeting of the next General Assembly, which was lost.

The report as amended was then agreed to, the bill was read the third time and pending the question shall this bill now pass?

On motion of Mr. Fambro the Senate adjourned until 9 o'clock on Monday morning next.

MONDAY, DECEMBER 6th, 1858.

9 O'CLOCK, A. M.

The Senate met according to adjournment.

On motion of Mr. Mallard, Mr. Stiles was added to the committee on Public Education and Free Schools, to the committee on the Judiciary, and to the committee on Banks.

On motion leave of absence was granted to Mr. Warthen, for to-day, and to Mr. Griffin of Twiggs, for Tuesday next.

Mr. Paine moved to reconsider so much of the journal of Saturday as relates to the vote by which

A bill to be entitled "an act to exempt from sale for debts contracted after a given time, certain articles for the subsistence of debtor's family, approved Dec. 23d, 1822, and the several acts amendatory thereof," was lost, which motion was lost.

Mr. Tucker moved to reconsider so much of the journal of Saturday as relates to the vote by which

A bill to be entitled an act to lay out and organize a new county from the counties of Gordon, Cass, Cherokee, Pickens and Gilmer, and for other purposes, was lost, which was agreed to.

On motion of Mr. Colquitt the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to alter and amend the charter of the city of Columbus.

Mr. Tucker moved to amend the report by adding the following sections to said bill, to-wit:

*Be it further enacted,* That the power, authority and jurisdiction for the trial of certain offences conferred by the second section of this act on the Mayor of the city of Columbus be and the same are hereby conferred upon the Mayor of the city of Albany. Provided that judgment of acquittal or conviction for any of said offences by the said Mayor shall be a bar to any indictment or prosecution for said offence in the Superior Court.

*Be it further enacted,* That the Mayor of said city of Albany shall be entitled to receive a salary for his services to be



fixed by an ordinance of the Mayor and Council of said city, whenever the citizens, at their annual election for such officer, shall declare in favor of said change by an indorsement on their tickets of salary or no salary.

*Be it further enacted,* That so much of the charter of said city of Albany as requires taxes for the support of the city government and other purposes, to be assessed upon the State tax, be and the same is hereby repealed, and in future the Mayor and City Council be and they are hereby authorized to levy such taxes as may be necessary for the support of said city government, and in such a way as shall be deemed by them to operate most equally on all the citizens and property within the corporate limits of said city. And by changing the caption of said bill to correspond therewith, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

And on motion of Mr. Colquitt the same was ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. Cone the rules were further suspended and the following bill of the House of Representatives was taken up and read the first time, to-wit:

A bill to be entitled an act to appropriate money for the support of the government for the political year 1859, and for other purposes therein named.

Mr. Tucker, from the committee on the Judiciary, made the following report:

The committee on the Judiciary have considered a bill to be entitled an act to make valid all deeds of conveyance made and executed by Deputy Sheriffs in this State, and for other purposes therein named, and recommend the passage of the bill.

The committee have also considered a bill to be entitled an act to amend the 14th section of an act entitled an act to carry into effect the amended Constitution of this State, in reference to the Ordinaries of said State, and for other purposes, assented to January the 21st, 1852, and recommend the passage of the bill.

The committee have also considered a bill to be entitled an act to amend the Judiciary Act of this State, and to direct the manner of making trustees parties plaintiff or defendant in all suits or actions now pending, or may hereafter exist in the several Courts in this State.

The committee propose to amend the bill by striking out the word "motion," and insert in lieu thereof the words "scire facias which shall be served twenty days before Court," and with this amendment recommend the passage of the bill.

The committee have also considered a bill to be entitled

an act to exempt one negro from levy and sale, and recommend the passage of the bill.

The committee have also considered a bill to be entitled an act to amend an act passed December 22d, 1834, and recommend that the bill do not pass.

The committee have also considered a bill to be entitled an act to repeal an act to amend the 10th section of the 10th Division of the penal code, and recommend that the bill do not pass.

The committee have also considered a bill to be entitled an act to refer the question of abolishing the Supreme Court to the people, and recommend that the bill do not pass.

The committee have also considered a bill to be entitled an act to point out the mode and manner of drawing juries in this State, and report the bill back to the Senate without any recommendation.

The committee have also considered a bill to be entitled an act to add an additional section to the 6th division of the penal code of this State, and recommend that the bill do not pass.

The committee have also considered a bill of the House of Representatives to be entitled an act to amend an act entitled an act in relation to the public records of counties where they have been destroyed by fire, &c., approved March 5th, 1856, and propose to amend the same by adding the following as a section thereto:

*And be it further enacted,* That nothing in this act contained, or the act of which it is amendatory, approved March fifth, 1856, shall extend to any case or cases that were pending at the time of the passage of said act of the 5th of March, 1856, and so far as the same does extend to cases that were pending at said time, the same is hereby repealed.

And with this amendment recommend the passage of the bill.

All of which is respectfully submitted.

JOHN A. TUCKER, Chairman.

The Senate resumed the consideration of the unfinished business of Saturday, which was

A bill to be entitled an act to remove the Penitentiary and rebuild the same, and for other purposes therein named, and the question shall this bill now pass? Upon which Mr. Griffin of Twigg called the previous question, which being seconded, the main question was ordered to be put.

The main question was then put, which was, shall this bill now pass? upon which question Mr. Arnold required the yeas and nays, which being recorded were yeas 41, nays 68.

Those who voted in the affirmative are Messrs.

Adams of Rabun,	Holcombe,	Shropshire,
Arnold,	Jamison,	Stiles,
Banks,	Jarrard,	Stokes,
Bloodworth of Car-	Johnson of Fayette,	Strickland,
roll,	Johnson of Pa'lding,	Stubbs,
Crowder,	Jossey,	Sutton,
Darden,	Knox,	Thomas,
Fain,	Matthews,	Treadwell,
Fambro,	McDuffie,	Ward,
Fields,	McConnell,	Westbrooks,
Gordon,	McGuire,	Whitaker,
Gibson,	Price,	Wilcoxson,
Gholston,	Roberts,	Williams of White,
Harris of Walton,	Riley of Lumpkin,	Young of Union.

Those who voted in the negative are Messrs :

Adams of Elbert,	Cumbie,	Morell,
Akins,	Dawson,	Mounger,
Arnett,	Donaldson,	Neal,
Atkinson,	Drake,	Overstreet,
Ashley,	Felton,	Paine
Bartlett,	Graham,	Pope,
Beall,	Gresham,	Reid,
Bennett,	Griffin of Calhoun,	Reynolds,
Billups,	Griffin of Twiggs,	Robinson of Talbot,
Bloodworth of Pike,	Hammond,	Riley, of Taylor,
Bozeman,	Hart,	Shepherd,
Briscoe,	Harris of Merriwe-	Smith of Hancock,
Brown,	ther,	Staten,
Browning,	Harris, of Worth,	Stripling,
Bryan,	Hays,	Tucker,
Bush,	Hill of Harris,	Turner,
Carlton,	Hill of Sumter,	Walker,
Castleberry,	Hixon,	Webb,
Cochran,	Lockheart,	West,
Collier,	Mattox,	Wilcher,
Colquitt,	Mallard,	Williams of Berrien,
Cooper,	McDonald,	Williams of Terrell,
Cone,	McRea,	Young of Irwin,

So the bill was lost.

The Senate took up as the special order of the day the report of the committee of the whole on

A bill to be entitled an act to alter and amend the first section of the third article of the Constitution of the State of Georgia.

Mr. Hill of Harris moved that the consideration of the report be postponed for the present, and that the same together

with all bills in relation to the Supreme Court, be made the special order for to-morrow, which was agreed to.

On motion of Mr. Dawson the rules were suspended and the following bill of the House of Representatives was taken up, read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act to make uniform the decisions of the Supreme Court of this State, to regulate the reversals of the same and for other purposes.

The Senate took up as the special order of the day the report of the committee of the whole.

A bill to be entitled an act to prescribe an additional penalty for disobedience by the several banks of this State to the provisions of the act passed Dec. 22d, 1857; touching annual and semi-annual reports.

And the substitute offered therefor by the committee on Banks as amended to-wit:

A bill to be entitled an act to explain and enforce compliance by the Banks of Georgia with the provisions of an act passed the 22d of Dec. 1857.

On motion of Mr. Cone the original bill was taken up by sections.

The first section being read the same was agreed to.

The second section being read, Mr. Cone moved to amend the same, by adding the following words thereto, "which shall be collected by the Comptroller General, as in cases of defaulting tax collectors," which was agreed to.

Mr. Tucker moved to amend the report by adding the following section, thereto, to-wit:

*And be it further enacted*, That each and every bank shall in each return made to the Executive, state in a separate and distinct item the amount of specie it had on hand as bona fide belonging to said bank at the time at which said return is made.

*And be it further enacted*, That in case any bank in this State fails to pay the tax of two per cent per month while in default, it shall be the duty of the Comptroller General on the certificate of the Treasurer that said tax is not paid, to issue execution each month against such defaulting banks for said tax, to be collected as in cases of defaulting tax collectors.

*And be it further enacted*, That no bank, its officers, stockholders or directors, shall be exempt from the payment of any debt or liabilities for which said bank, its officers, stockholders or directors may be, or become liable on account of the expiration or forfeiture of the charter of any bank in this State, nor shall any one indebted to such bank be discharged from liabilities on account of the expiration or forfeiture of the charter; but the liability of such bank, its officers, stocks

holders and directors, to their creditors, and the liabilities of all persons indebted to such bank shall remain the same as if no such expiration or forfeiture had occurred, and the name of the bank may be used in any legislation which may be necessary in settling up its affairs, after the expiration or forfeiture of the charter had occurred, which was agreed to.

Mr. Tucker moved further to amend the report by adding the following section to the bill, to-wit:

*And be it further enacted,* That the 7th section of the before recited act, passed December 22d, 1857, be amended, so as to read as follows: "That no bank in this State shall send any portion of its capital out of the same, for the purposes of buying notes made by any citizen or citizens of Georgia, payable to a citizen of any other State or of this State."

Mr. Strickland moved to amend the amendment, by inserting therein after the word "notes" the words "bills or drafts," which was agreed to.

Mr. Whitaker moved to amend the amendment by striking out all the words after the words "notes, bills or drafts," which was agreed to.

The motion as amended was then agreed to.

Mr. Tucker moved further to amend the report by adding the following section to said bill.

*And be it further enacted,* That the 10th section of said act of December 22d, 1857, be so amended, that after the words "sight checks," in the third line of said section, the word "which are drawn and payable within the limits of this State," be inserted, which was lost.

Mr. Bloodworth of Pike, moved to amend the substitute as amended, by striking out the words, "that it was not intended by the 7th section of the said act to prevent the loan of money by the banks of Georgia, for use beyond the limits of the State, where a greater rate of interest or discount was not given therefor, than seven per cent per annum, nor was anything therein contained designed to prevent the banks of this State from employing their accrued and accruing balances at points out of the State in the purchase of exchange on other and more desired points, at such rate as may be current at the point where such balances may have occurred;" and by inserting the following words in lieu thereof, to-wit: "that the true intent and meaning of the 7th section of the act passed on the 22d December, 1857, was to prevent the banks of this State from sending agents to any portion of this Union, or elsewhere out of Georgia, to buy up notes of merchants or individuals and was intended to confine them to a legitimate banking business and to afford all the facilities in their power to the merchants and planters," which was agreed to.

Mr. Fambro moved further to amend the substitute by adding the following section to said bill:

*Be it further enacted, That nothing contained in any of the provisions of this act shall be so construed as to release any bank in this State from any liability incurred by refusing to make their annual and semi-annual reports in compliance with the act of 22d December, 1857, but that it shall be the duty of the Comptroller General to levy and collect the sum of two per cent per month of all such banks as may have been in default previous to the 15th November 1858.*

Upon agreeing to which motion, Mr. Fambro required the yeas and nays which being recorded, were yeas 19 nays 79.

Those who voted in the affirmative were Messrs:

Adams of Rabun,	Fields,	Riley of Taylor,
Banks	Gholston,	Walker,
Bozeman,	Griffin of Twiggs,	Wilcoxson,
Bush,	Hammond,	Williams of White,
Cochran,	Harris of Worth,	Young of Irwin,
Fain,	Johnson of Paulding	Young of Union.
Fambro,		

Those who voted in the negative were Messrs:

Adams of Elbert,	Gordon,	Pope,
Akins,	Graham,	Price,
Arnold,	Gresham,	Quillian,
Atkinson,	Griffin of Calhoun,	Reynolds,
Beall,	Hart,	Roberts,
Bennett,	Harris of Merri-	Robinson, of Talbot,
Billups,	wether,	Riley of Lumpkin,
Bloodworth of Car-	Harris of Walton,	Shepherd,
roll,	Hays,	Staten,
Bloodworth of Pike,	Holcombe,	Stiles,
Briscoe,	Jamison,	Stokes,
Brown,	Jarrard,	Stowers,
Browning,	Johnson of Fayette,	Strickland,
Bryan,	Knox,	Stripling,
Bullard,	Lockheart,	Stubbs,
Byrd,	Mattox,	Sutton,
Carlton,	Mallard,	Tate,
Castleberry,	Matthews,	Treadwell,
Collier,	McConnell,	Tucker,
Colquitt,	McDonald,	Turner,
Cooper,	McGuire,	Ward,
Cone,	McRea,	Webb,
Cumbie,	Morell,	West,
Dawson,	Mounger,	Westbrooks
Darden,	Neal,	Whitaker,
Drake,	Overstreet,	Wilcher,
Felton,	Paine,	Williams of Berrien,

So the motion was lost.

Pending the consideration of the motion to adopt the substitute in lieu of the original bill,

The hour for adjournment arrived, and the President adjourned the Senate until 3 o'clock, P. M.

#### AFTERNOON SESSION.

3 O'CLOCK, P. M.

The Senate met according to adjournment.

Mr. Ward from the committee on banks, made the following report :

The committee on banks have considered,

A bill to be entitled an act to incorporate a bank in the city of Rome to be called the Bank of Rome; and recommend that the bill do pass.

The committee have also considered,

A bill to be entitled an act to regulate the currency of the State of Georgia, and for other purposes therein named; and recommend that the bill do not pass.

The committee have also considered,

A bill to be entitled an act to compel all banking companies in this State to redeem all bills put in circulation at any agency, to redeem said circulation at said agency.

And offered the following as a substitute therefor, to-wit :

A bill to be entitled an act to compel the agencies of foreign banks in this State to redeem their circulation in specie; and recommend the passage of the substitute.

All of which is respectfully submitted.

B. F. WARD, Chairman.

Mr. Tucker from the committee on the Judiciary, made the following report :

The committee of the Judiciary have considered,

A bill of the House of Representatives to be entitled an act to provide for the codification of the laws of Georgia; and propose to amend the same by inserting after the words "decisions of the Supreme Court," the words "or the statutes of England of force in this State," and by striking out the words "shall be completed in three years," and insert the words "shall be completed in two years;" and by inserting after the words "adequate compensation" the words "which shall not exceed the sum of 3,500 dollars per annum to each commissioner;" and with these amendments unanimously recommend that the bill do pass.

JOHN A. TUCKER, Chairman.

Mr. Briscoe from the committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, :

An act to alter and amend the charters of the cities of Columbus and Albany.

On motion of Mr. Tucker, the rules were suspended, and the Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to provide for the codification of the laws of Georgia.

Mr. Tucker moved that the consideration of the report be postponed for the present, and made the special order for tomorrow, which was agreed to.

The Senate resumed the consideration of the unfinished business of the morning, which was the report of the committee of the whole, as amended, on

A bill to be entitled an act to prescribe an additional penalty for disobedience by the several banks of this State, to the provisions of the act passed Dec. 22d, 1857, touching annual and semi-annual reports, and the substitute as amended offered for the same, by the committee on Banks, which was,

A bill to be entitled an act to explain and enforce compliance by the banks of Georgia, with the provisions of an act, passed the 22d of December, 1857; and the motion to adopt the substitute in lieu of the original bill. Upon agreeing to which motion, Mr. Gibson required the yeas and nays, which being recorded, were yeas 18, nays 89.

Those voting in the affirmative are Messrs :

Arnett,	Gibson,	Neal,
Arnold,	Gresham,	Overstreet,
Bloodworth of Pike,	Griffin of Calhoun,	Paine,
Browning,	Hays,	Pope,
Cooper,	Jossey,	Stiles,
Darden,	Matthews,	Ward,

Those who voted in the negative are Messrs :

Adams of Elbert,	Felton,	Robinson of Talbot,
Adams of Rabun,	Fields,	Riley of Lumpkin,
Akins,	Gholston,	Riley of Taylor,
Atkinson,	Gordon,	Shepherd,
Ashley,	Graham,	Shropshire.
Banks,	Griffin of Twiggs,	Smith of Hancock,
Bartlett,	Hammond,	Staten,
Beall,	Hart,	Stokes,
Bennett,	Harris of Walton,	Stowers,
Billups,	Harris of Worth,	Strickland,
Bloodworth of Carroll,	Hixon,	Stripling,
	Holcombe,	Stubbs,



Bozeman,	Jamison,	Sutton,
Briscoe,	Jarrard,	Tate,
Brown,	Johnson of Pauld-	Thomas,
Bryan,	ing,	Treadwell,
Bullard,	Knox,	Tucker,
Bush,	Lockheart,	Turner,
Byrd,	Mattox,	Walker,
Carlton,	McConnell,	Webb,
Castleberry,	McDonald,	West,
Cochran,	McDuffie,	Westbrooks,
Collier,	McGuire,	Whitaker,
Cone,	McRea,	Wilcher,
Crowder,	Morell,	Wilcoxson,
Cumbie,	Mounger,	Williams of Berrien,
Dawson,	Price,	Williams of Terrell,
Donaldson,	Reid,	Williams of White,
Drake,	Reynolds,	Young of Irwin,
Fain,	Roberts,	Young, of Union,
Fambro,		

So the substitute was not adopted in lieu of the original bill.

Mr. Griffin of Twiggs, called the previous question, and upon the question, will the Senate second the call for the previous question,

Mr. Griffin of Twiggs, required the yeas and nays, which being recorded were, yeas 38, nays 66.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Golston,	Riley of Taylor,
Atkinson,	Gordon,	Shropshire,
Ashley,	Griffin of Twiggs,	Staten,
Bennett,	Harris of Walton,	Stowers,
Bloodworth of Car-	Harris of Worth,	Strickland,
roll,	Hill of Sumter,	Tate,
Bozeman,	Hixon,	Treadwell,
Bullard,	Holcombe,	Turner,
Cochran,	Jamison,	West,
Cone,	Johnson of Pauld-	Williams of Ber-
Cumbie,	ing,	rien,
Donaldson,	Mattox,	Young, of Irwin,
Fain,	McDonald,	Young of Union,
Fields,	McDuffie,	

Those voting in the negative are Messrs :

Adams of Elbert,	Drake,	Pope,
Aikins,	Fambro,	Price,
Arnett,	Felton,	Quillian,
Arnold,	Gibson,	Reid,

Banks,	Graham,	Reynolds,
Bartlett,	Gresham.	Robinson of Talbot
Beall,*	Griffin of Calhoun,	Riley, of Lumpkin
Billups,	Hammond,	Shepherd,
Bloodworth of Pike,	Hart,	Smith of Hancock
Briscoe,	Hays,	Stiles,
Brown,	Jossey,	Stripling,
Browning,	Lockheart,	Stubbs,
Bryan,	Mallard,	Sutton,
Bush,	Matthews,	Thomas,
Byrd,	McConnell,	Walker,
Carlton,	McGuire,	Ward,
Castleberry,	McRea,	Webb,
Collier,	Morell,	Westbrooks,
Cooper,	Mounger,	Wilcher,
Crowder,	Neal,	Wilcoxson,
Dawson,	Overstreet,	Williams of Terrell,
Darden,	Paine,	Williams of White,

So the call for the previous question was not seconded.

Mr. Stubbs offered as a substitute for the original bill.

A bill to be entitled an act to compel the banks of this State to make returns in the manner required by his Excellency the Governor and to limit and restrain them, to the lawful rates of interest on loans and discounts, and for other purposes.

Pending the consideration of which motion,

The hour for adjournment arrived, and the President adjourned the Senate until 7 o'clock, P. M.

#### EVENING SESSION.

SEVEN O'CLOCK, P. M

The Senate met according to adjournment.

On motion leave of absence was granted to Mr. Harris of Merriwether on account of sickness in his family, and to Mr. Williams of Terrell for to-morrow.

The following bills of the House of Representatives were taken up and read the first time.

A bill to be entitled an act to appropriate money for the Medical College of Georgia.

Also, a bill to be entitled an act to provide for the appointment and compensation of a board of visitors to Franklin College, and to provide their duties.

Also, a bill to be entitled an act to repeal an act, approved Dec<sup>r</sup> 17th 1857, entitled an act to render certain the compensation of teachers of poor children of the respective counties of the State, and to secure to poor children the benefits of the poor school fund, so far as relates to counties of DeKalb, Union, and other counties.

Also, a bill to be entitled an act to change the lines between certain counties therein named.

Also, a bill to be entitled an act to lay out and organize a new county from the counties of Hall, Habersham and Franklin, and for other purposes.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief R. G. Carithers.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Protestant Episcopal Church in the city of Atlanta Georgia, under the name and style of the Church Wardens and Vestries of St. Phillips Church in the city of Atlanta.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to legalize the purchase of real estate by Mrs. Clementina J. Billingslea, administratrix of James F. Billingslea, late of the county of Greene.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate Upson camp ground, and appoint trustees for the same, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of John Farmer and Wm. Stott, securities on the penal bond of Newton Freeman &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal that part of the 22d section of an act approved December 30th, 1871, so far as to

lates to the Justices of the Inferior Court of Whitfield county Georgia, of an extra tax on the citizens of said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to amend the charter of the McBean Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill entitled an act to change the line between the counties of Henry and Clayton.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to add certain lots of land to Terrell county.

Mr. Hill of Sumter moved to amend the report by adding the following section to said bill.

*And be it further enacted*, That lot of land No. 192 in the 25th district of originally Lee now Webster be added to Sumter county and that the line of said counties be so changed as to add said lot to Sumter. And to change the caption thereof to correspond therewith, which was agreed to.

Mr. Brown moved further to amend the report by adding the following section to said bill.

*And be it further enacted*, That the county line between Marion and Schley, be so changed as to include lot of land No. 383 in the third district, now Schley county, in the county of Marion. And by changing the caption to correspond therewith, which was agreed to.

Mr. Reynolds moved further to amend the report by adding the following section to said bill, to-wit:

*And be it further enacted*, That all that portion of lot of land, number three hundred and sixty seven, in the ninth district of originally Henry now Walton county, which is now the land of J. M. Cody of the county of Newton be and the same is hereby detached from the county of Walton and shall be added and become a part of the county of Newton, and the line between the counties of Walton and Newton be so changed as to include said lot, and by changing the caption to correspond therewith, which was agreed to.

Mr. Paine moved further to amend the report by adding the following section to said bill to-wit:

*And be it further enacted*, That lots of land Nos. 180 and 181 in the fourth district of Irwin, on which Jacob A. Clemens now lives, be added to the county of Telfair, and by

changing the caption to correspond therewith, which was agreed to.

Mr. Ashley moved further to amend the report by adding the following section to said bill to-wit:

*And be it further enacted,* That the line between the counties of Ware and Coffee be changed so as to add lot of land No. 520 in the 5th district of Ware, the lot whereon Benjamin Bagley and Berrien Bagley now lives, to the county of Coffee, and by changing the caption to correspond therewith.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A reconsidered bill to be entitled an act to incorporate the Elijay Gold and Copper Mining Company.

Mr. Quillian moved to amend the report by striking out the following section, to-wit:

*Be it further enacted,* That by the authority aforesaid that the individual property of the several stockholders, be and is jointly and severally bound for the redemption of all the liabilities of said incorporation or chartered company and that no liability, when once created shall cease upon the expiration of said charter by limitation or otherwise, which was agreed to.

Mr. Quillian moved further to amend the report by adding the following section thereto, to-wit;

*And be it further enacted,* That each stockholder shall be individually liable for the debts of the Company to the amount of stock held by each.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to facilitate mining operations for gold and for other purposes.

Mr. Williams of White moved to amend the report by making the act apply to White county, which was agreed to.

The report was then agreed to, the bill was read the third time and upon the question, shall this bill now pass? The yeas and nays, were required, which being recorded were yeas 56, nays 39.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Harris of Walton,	Quillian,
Akins,	Hill of Sumter,	Roberts,
Arnett,	Hixon,	Riley of Lumpkin,
Atkinson,	Holcombe,	Shropshire,
Ashley,	Jamison,	Smith of Hancock,
Banks,	Jarrard,	Staten,

Brown,	Johnson of Fayette,	Stowers,
Browning,	Johnson of Pauld-	Strickland,
Bullard,	ing,	Sutton,
Byrd,	Knox,	Tate,
Carlton,	Lockheart,	Thomas,
Collier,	Mattox,	Turner,
Donaldson,	Matthews,	West,
Fain,	McConnell,	Westbrooks,
Fields,	McDonald,	Whitaker,
Gholston,	McDuffie,	Wilcher,
Gibson,	McGuire,	Williams of White,
Gresham,	Neal,	Young of Irwin,
Griffin of Calhoun,	Paine,	Young of Union.

Those who voted in the negative are Messrs :

Adams of Elbert,	Darden,	Reynolds,
Arnold,	Fambro,	Robinson of Talbot,
Beall,	Felton,	Riley of Taylor,
Bennett,	Gordon,	Shepherd,
Bloodworth of Car-	Graham,	Stiles,
roll,	Hart,	Stokes,
Bloodworth of Pike,	Hill, of Harris,	Stripling,
Bozeman,	McRea,	Stubbs,
Bryan,	Mounger,	Treadwell,
Bush,	Overstreet,	Walker,
Castleberry,	Pope,	Ward,
Cooper,	Price,	Webb,
Cone,	Reid,	Wilcoxson,
Crowder,		

So the bill was passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the collection of jury fees in the Superior and Inferior Courts of Talbot county.

Mr. McConnell moved to amend the report by adding the following as a section to the bill:

*And be it further enacted,* That all of the provisions of this act be and the same are hereby extended to the county of Caloosa, and by changing the caption to correspond therewith, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the line between the counties of Colquitt and Worth.

Mr. Johnson of Fayette moved to amend the report by adding the following section to said bill:

*And be it further enacted*, That the county line between Fayette and Clayton be so altered and changed as to include lots of land in the county of Clayton one hundred and seventy (170,) one hundred and seventy-one, (171,) one hundred and seventy-two, (172,) also one hundred and sixty-nine, (169,) in the original 13th district of Henry county now Fayette, including the residences of John J. Gilbert and Horsey Rogers, and lot No. one hundred and eighty-eight, (188,) in said district, including the residence of W. E. Tucker, the same be and they are hereby added to the county of Clayton and by changing the caption to correspond therewith, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to confer upon the Mayor and Council of Atlanta certain powers, &c.

Mr. Hill of Harris moved to amend the report by adding the following additional section to said bill:

*Be it enacted by the authority aforesaid*, That upon the recommendation of the Mayor and Council of Macon, by a two-thirds vote, the question of making all the provisions of the foregoing bill, shall be left to the qualified voters of the city of Macon, after due and public notice for thirty days in all of the public gazettes of that city, and shall signify by the votes their assent to, or dissent from the terms and provisions of the foregoing act, in as full and ample a manner as if the necessary and proper words were fully written out and now herein again embodied, and if a majority of the legal voters declare in favor of the act, the same shall be applicable to said city. If a majority of two-thirds of the said Council, Mayor having a vote, cannot be obtained, to recommend this bill to the legal voters of said city, or if upon leaving such question to the voters of said city, a majority of the legal voters refuse to accept this act, then and in such case, it shall not be applicable to said city of Macon.

SEC.—*Be it further enacted*, That on the recommendation of the grand jury, the Inferior Court of the county of Harris, shall submit the question, whether or not this bill shall apply, so far as the same may be practicable; and if the people vote in favor of the measure, then the Inferior Court of Harris county shall proceed to have the provisions of this act carried out, and by changing the caption to correspond therewith, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to confer upon the Mayor and

Council of the city of Atlanta certain powers therein specified, and for other purposes.

Mr. Bloodworth of Carroll moved to amend the report by inserting in the second section of said bill, after the words "abolishing the same," the words "or any persons who visit them," which was lost.

The report was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize John Boon of the county of Milton, to practice medicine, and to charge for and collect compensation for the same by law.

Mr. Dawson moved to amend the report by adding the following section to said bill:

*Be it further enacted*, That the provisions of this bill be extended to Edward N. Beasley, of the county of Talliaferro, and by changing the caption to correspond therewith, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the line between the counties of Upson and Pike.

Mr. McConnell moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of Yancy Brown.

Mr. Banks moved to amend the report by adding the following section to said bill:

*Be it further enacted*, That the Ordinary of Hall county is hereby authorized to pay John H. Hanson his claim for teaching poor children, provided he deems it just, and by changing the caption to correspond therewith, which was agreed to.

Mr. Johnson of Fayette moved further to amend the report by adding the following section to said bill:

*And be it further enacted*, That the Ordinary of Worth county be authorized to pay Wm. A. Johnson for teaching poor children who were not returned for the year 1857, and by amending the caption to correspond therewith, which was agreed to.

Mr. Tucker moved further to amend the report by adding the following section to said bill:

*And be it further enacted*, That the provisions of this act be extended to Elisha F. Kirksey of Stewart county, and that his claim be paid in accordance with the provisions of this act, and by changing the caption to correspond therewith.



Mr. Fain moved further to amend the report by adding the following section to said bill, to-wit :

*And be it further enacted,* That Abel N. Miles of the county of Faunin, be entitled to the provisions of this act, by amending the caption to correspond therewith, which was agreed to.

Mr. Thomas offered the following bill as a substitute as amended :

A bill to be entitled an act to amend and explain the sixth section of an act to render certain the compensation of teachers of poor children, &c., which was lost.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the arrest by the marshal of the village of Sparta, without warrant, and the confinement in the common jail of the county of Hancock, of all persons violating the laws passed by the commissioners of said village, against drunkenness and other gross and immoral conduct in the streets of said village.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Richmond Eclectic College, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to provide for the payment of grand and petit jurors in Camden county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize and require the Justices of the Inferior Court of the several counties of this State, to qualify road commissioners.

Mr. Bush moved to amend the report by making the bill apply to Miller county only, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Inferior Court

of the county of Thomas to levy an extra tax sufficient at all times to pay the petit jurors of said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to compensate the juries of Richmond county, and city of Augusta.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prevent the killing of game birds, in Richmond county, within certain seasons of the year.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief and benefit of Mrs. Sarah W. Mills of the county of Gwinnett.

Mr. Roberts moved to amend the report by adding the following section to said bill. •

*Be it further enacted*, That the provisions of this act, be extended to Martha Ann Webb wife of Alphonzo F. Webb of Cobb county, and by changing the caption to correspond therewith, which was agreed to.

Mr. Crowder moved further to amend the report by adding the following section of said bill.

*And be it further enacted*, That the provisions of this act be extended to Shady Ann Jackson wife of Turner M. Jackson of Monroe county, and by changing the caption to correspond therewith, which was agreed to.

Mr. Johnson of Fayette moved further to amend the report by adding the following section to said bill.

*And be it further enacted*, That the provisions of this act be and the same is hereby extended to Martha Lewis wife of William Lewis of the county of Henry, and by changing the caption to correspond therewith, which was agreed to.

Mr. Gibson moved further to amend the report by adding the following section to said bill.

*And be it further enacted*, That the provisions of this act be extended to Mrs. Virginia V. Collins of Richmond county, and by changing the caption to correspond therewith.

Mr. Fambro moved further to amend the report by adding the following proviso to said bill.

Provided that all the beneficiaries of this act dress in Bloomer costume, and have the right to flog their husbands at pleasure, which was agreed to.

Mr. Thomas moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the town of Dawsonville, and for other purposes therein named.

Mr. Beall moved to amend the report by adding several sections to said bill incorporating the town of Warrenton and by changing the caption to correspond therewith, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change and alter the line between Fayettee and Clayton counties, so as to include the residences of Elijah Glass, Marion Glass, Elisha Holt and Patrick H Allen, in the county of Clayton.

The report was agreed to, the bill was read the third time and passed.

On motion of Mr. Roberts the rules were suspended, and the joint resolution of the House of Representatives to authorize the appointment of an additional Professor in the Georgia Military Institute, was taken up read and concurred in.

Mr. Tucker moved that the rules be suspended, for the purpose of offering a resolution, upon agreeing to which motion Mr.            required the yeas and nays, which being recorded, were yeas 58, nays 16.

Those who voted in the affirmative, are Messrs.

Adams of Elbert,	Gholston,	Price,
Aikens,	Graham,	Quillian,
Arnett,	Harris of Walton,	Roberts,
Arnold,	Hays,	Robinson of Talbot,
Atkinson,	Hill of Harris,	Smith of Hancock,
Bennett,	Holcombe,	Stokes,
Bloodworth of Carroll,	Jamison,	Strickland,
Bloodworth of Pike	Jarrard,	Stripling,
Browning,	Johnson of Fayette,	Stubbs,
Bullard,	Johnson of Paulding,	Sutton,
Byrd,	Jossey,	Tate,
Carlton,	Knox,	Thomas,
Castleberry,	Lockheart,	Treadwell,
Collier,	Mattox,	Tucker,
Cooper,	McDonald,	Turner,
Darden,	McGuire,	Walker,
Donaldson	McRea,	Ward,
		Wilcoxson,

TUESDAY, DECEMBER 7th, 1858, 35, 9

Fambro,  
Felton,

Neal,  
Overstreet,

Williams of Whit  
Young of Irwin, a riv-  
sec-

Those who voted in the negative, are Messrs.

Adams of Rabun,  
Banks,  
Beall,  
Billups,  
Bush,  
Fields,

Gibson,  
Harris of Worth,  
McConnell,  
Mounger,  
Paine,

Reid,  
Riley of Lumpkin,  
Riley of Taylor,  
Wilcher,  
Young of Union.

So the motion to suspend the rules prevailed.

And Mr. Tucker offered the following resolution :

*Resolved*, That from now till the end of the session we meet at 9 o'clock A. M., adjourn at 1½ P. M., meet again at 3 o'clock P. M., and adjourn at 5 o'clock P. M., and meet again at 6½ o'clock P. M., and adjourn at 9½ o'clock P. M.

Mr. Paine moved to amend the same by adding the following words thereto.

And when the gavel falls any member absent from roll call at the hour of adjournments shall be fined five dollars, which was lost.

The resolution was then taken up read and agreed to.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

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TUESDAY, DECEMBER 7th, 1858.

NINE O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Mallard from the committee on public education and free schools made the following report.

The committee on public education and free schools have considered,

A bill of the House of Representatives to be entitled an act to appropriate the nett earnings of the Western and Atlantic Railroad, to the payment of the public debt, and to provide for the education of the children in the several counties of the State.

The committee propose to amend the same by inserting in the caption after the word "debt" the words "and the interest thereon," by striking out, words "the public debt the pay-

to be made quarterly or monthly," in the second section of the bill and by inserting in lieu thereof the words "the interest on the public debt and in the redemption of the bonds when they come due." By inserting in the third section of the bill after the word "thereof" the words "semi annually on the first Monday in January and July in each year." By inserting in the fifth section after the word "bond" the words "to the Justices of the Inferior Court," and by adding the following as a section to said bill.

*And be it further enacted,* That the Governor be and he is hereby authorized to draw his warrant on the Treasury for such sum as may be in the Treasury, subject to distribution under this act in favor of the Ordinary of each county, on the 1st Monday of January and July in each year, provided said Ordinary shall have furnished the Governor with the number of children in his county between the ages aforesaid, the number taught the elementary branches of an English education, and all the facts and statistics which the Governor may require by circulars to the Ordinaries of the several counties.

And with these amendments recommend the passage of the bill, all of which is respectfully submitted.

JOHN B. MALLARD, Chairman.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

\* *Mr. President* :—The House has concurred in the amendment of the Senate to the following bill, to wit:

A bill to be entitled an act to alter and amend the charters of the cities of Columbus and Albany:

The House has also passed the following bills, to wit:

A bill to be entitled an act to define the lines between the counties of Schley, Sumter and Macon, and to change the lines between certain counties therein mentioned.

A bill to be entitled an act to repeal all laws and parts of laws authorizing lotteries in the State of Georgia, and for other purposes.

A bill to be entitled an act to protect the citizens of Wilcox and Irwin counties from the injurious consequences of camp hunting by non-residents.

A bill to be entitled an act to abolish imprisonment for debt on certain conditions therein set forth, and for other purposes.

A bill to be entitled an act to amend the first section of the third article of the Constitution of the State of Georgia.

A bill to be entitled an act to incorporate the Cotton Planter's Convention of the State of Georgia.

A bill to be entitled an act to incorporate the Relief Fire Company No. 2 in the town of Athens, and extend the same privileges to Clinch Fire Company of Augusta, No. 2.

A bill to be entitled an act to alter and amend the 8th section of the 4th division of the penal code of this State.

A bill to be entitled an act to incorporate the Yahoola river and Cane Creek Hydraulic-Hose Mining company.

A bill to be entitled an act to add an additional section to the penal code.

The Senate resumed the consideration of the unfinished business of yesterday.

Which was the report of the committee of the whole as amended on A bill to be entitled an act to prescribe an additional penalty for disobedience by the several banks of this State to the provisions of the Act passed Dec. 22d, 1857, touching annual and semi-annual reports.

And the substitute offered therefor, which was

A bill to be entitled an act to compel the banks of this State to make returns in the manner required by his Excellency the Governor, and to limit and restrain them to the lawful rates of interest on loans and discounts, and for other purposes.

And the motion to adopt the substitute in lieu of the original.

Mr. Ward moved to amend the substitute by inserting therein after the words "required by" the words "law to be made to," which was agreed to.

Mr. Briscoe moved further to amend the substitute by inserting in the first section after the words "per annum" and before the word "and" the words "and the actual cost of transportation of coin from the point or place in this State to where the bill is drawn, to the point or place in this State where the bill is made payable, in no case to exceed one-fourth of one per cent," which was agreed to.

Mr. Briscoe moved further to amend the substitute by striking out all the words in the second section thereof after the words "or elsewhere," which was agreed to.

Mr. Hill of Sumter moved further to amend the substitute by striking out of the fifth section thereof the word "two" before the word "semi-annual," which was agreed to.

Mr. Ward moved further to amend the substitute by striking out of the fifth section the word "two" before the word "semi-annual," which was agreed to.

Mr. Ward moved further to amend the substitute by inserting in the affidavit after the words "required by" the words "law to be made to," which was agreed to.

Mr. Adams of Elbert moved further to amend the substitute by striking out the words "or the substance thereof" in the fifth section, and by inserting in lieu thereof the words "first properly filling up the venue and dates properly according to the truth of the case," which was agreed to.

Mr. Fambro moved further to amend the substitute by adding the following section thereto, to wit:

*And be it further enacted,* That when all the property of the corporation has been exhausted, nothing shall prevent the personal liability of the stockholders attaching either before or after the expiration of their charters of said banks, which was agreed to.

Mr. Fain moved further to amend the substitute by adding the following section thereto, to wit :

*And be it further enacted,* That if any bank of this State shall hereafter suspend specie payment, the charter of said bank so suspending is hereby declared absolutely null and void, and all their notes, bills or liabilities in circulation shall bear interest at the rate of seven per cent. until paid, which was lost.

Mr. Bartlett moved further to amend the substitute by adding the following section thereto, to wit :

*And be it further enacted,* That any President or Cashier of any bank who may falsely represent the condition of such bank shall be liable to indictment in the Superior Courts of this State for the offence of perjury, and upon being duly convicted thereof shall be punished by imprisonment in the Penitentiary of this State for not less than two years nor longer than ten years, which was agreed to.

Mr. Whitaker moved further to amend the substitute by adding the following section thereto, to wit :

*And be it further enacted,* That nothing in this bill shall alter, modify or change anything in the 7th, 8th, 9th and 10th sections of the Act approved 22d December, 1857, which was lost.

Upon the motion to adopt the substitute as amended in lieu of the original, Mr. \_\_\_\_\_ required the yeas and nays, which being recorded were yeas 63, nays 48.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Donaldson,	Overstreet,
Arnett,	Drake,	Paine,
Arnold,	Fambro,	Pope,
Bartlett,	Gibson,	Reid,
Bennett,	Gresham,	Reynolds,
Billups,	Griffin of Calhoun,	Robinson of Lau-
Bloodworth of Car-	Hammond,	rens,
roll,	Hays,	Robinson of Talbot,
Bloodworth of Pike,	Hill, of Sumter,	Riley of Lumpkin,
Briscoe,	Hill of Troup,	Shepherd,
Brown,	Hixon,	Smith of Hancock,
Browning,	Johnson of Fayette,	Staten,
Bryan,	Jossey,	Stiles,
Bush,	Knox,	Stowers,
Byrd,	Lockheart,	Stubbs,
Carlton,	Mallard,	Sutton,
Colquitt,	Matthews,	Ward,

Cooper,	McConnell,	Warthen,
Cone,	McRea,	Webb,
Crowder,	Morell,	West,
Dawson,	Mounger,	Wilcher,
Darden,	Neal,	

Those who voted in the negative are Messrs.

Adams of Rabun,	Hart,	Stokes,
Akins,	Harris of Walton,	Strickland,
Atkinson,	Harris of Worth,	Stripling,
Ashley,	Holcombe,	Tate,
Banks,	Jamison,	Thomas,
Beall,	Jarrard,	Treadwell,
Bozeman,	Johnson of Pauld-	Tucker,
Bullard,	ing,	Turner,
Castleberry,	Mattox,	Walker,
Cochran,	McDonald,	Westbrooks,
Collier,	McDuffie,	Whitaker
Fain,	McGuire,	Wilcoxon,
Felton,	Price,	Williams of Berrien,
Fields,	Quillian,	Williams of White,
Gholston,	Riley of Taylor,	Young, of Irwin,
Gordon,	Shropshire,	Young of Union,
Graham,		

So the substitute was adopted in lieu of the original.

The report as amended was then agreed to, the bill was read the third time, and upon the question, shall this bill now pass? Mr. Harris of Worth required the yeas and nays, which being recorded were yeas 65, nays 46.

Adams of Elbert,	Darden,	Mounger,
Arnett,	Donaldson,	Neal,
Arnold,	Drake,	Overstreet,
Bartlett,	Fambro,	Paine,
Bennett,	Gibson,	Pope,
Billups,	Gresham,	Reid,
Bloodworth of Car-	Griffin of Calhoun,	Reynolds,
roll,	Hammond,	Roberts,
Bloodworth of Pike,	Hays,	Robinson of Laurens
Briscoe,	Hill of Sumter,	Robinson of Talbot
Brown,	Hill of Troup,	Riley, of Lumpkin
Browning,	Hixon,	Shepherd,
Bryan,	Johnson of Fayette,	Smith of Hancock
Bush,	Jossey,	Staten,
Byrd,	Knox,	Stiles,
Carlton,	Lockheart,	Stowers,
Castleberry,	Mallard,	Stubbs,
Colquitt,	Matthews,	Sutton,
Cooper,	McConnell,	Ward,
Cone,	McDuffie,	Warthen,



Crowder,  
Dawson,

McRea,  
Morell,

West,  
Wilcher,

Those voting in the negative are Messrs :

Adams of Rabun,	Hart,	Strickland,
Aikins,	Harris of Walton,	Stripling,
Atkinson,	Harris of Worth,	Tate,
Ashley,	Holcombe,	Thomas,
Banks,	Jamison,	Treadwell,
Beall,	Jarrard,	Tucker,
Bozeman,	Johnson of Pauld-	Turner,
Bullard,	ing,	Walker,
Cochran,	Mattox,	Westbrooks,
Collier,	McDonald,	Whitaker,
Fain,	McGuire,	Wilcoxson,
Felton,	Price,	Williams of Ber-
Fields,	Quillian,	rien,
Johnston,	Riley of Taylor,	Williams of White,
Gordon,	Shropshire,	Young of Irwin,
Graham,	Stokes,	Young, of Union,

So the bill was passed.

Mr. Briscoe, from the committee on Enrollment, report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

A resolution to employ an additional Professor in the Georgia Military Institute if it becomes necessary.

The Senate took up as the special order of the day, the report of the committee of the whole on

A bill of the House of Representatives to be entitled an act to make uniform the decisions of the Supreme Court of this State, to regulate the reversals of the same, and for other purposes.

Mr. Bloodworth of Pike moved to amend the report by adding the following proviso to said bill.

Provided nothing contained in this act shall prevent said Court from reversing its decisions whenever a full Court shall decide that any former decision was erroneous.

Upon agreeing to which motion Mr. Tucker required the yeas and nays, which being recorded were yeas 43, nays 60.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Collier,	Shepherd,
Adams of Rabun,	Colquitt,	Stiles,
Arnett,	Graham,	Stowers,
Atkinson,	Holcombe,	Tate,
Banks,	Jarrard,	Thomas,
Bartlett.	Johnson of Fayette,	Tucker,

Beall,	Jossey,	Walker,
Bennett,	Knox,	Warthen,
Bloodworth of Pike,	McDonald,	Westbrooks,
Briscoe,	Mounger,	Whitaker,
Browning,	Paine	Wilcher,
Bullard,	Price,	Williams of Berrien,
Bush,	Roberts,	Young of Union,
Byrd,	Robinson of Talbot,	
Castleberry,	Riley, of Taylor,	

Those who voted in the negative are Messrs :

Akins,	Gordon,	Pope,
Arnold,	Gresham,	Quillian,
Ashley,	Hart,	Reid,
Billups,	Harris of Walton,	Reynolds;
Bloodworth of Carroll,	Harris, of Worth,	Robinson of Laurens
Bozeman,	Hill of Harris,	Riley of Lumpkin,
Brown,	Hill of Sumter,	Smith of Hancock,
Bryan,	Hill, of Troup,	Staten,
Carlton,	Hixon,	Stokes,
Cochran,	Jamison,	Strickland,
Cooper,	Johnson of Pa'lding,	Stripling,
Dawson,	Lockheart,	Stubbs,
Darden,	Mallard,	Sutton,
Donaldson,	Matthews,	Treadwell,
Drake,	McConnell,	Webb,
Fain,	McGuire,	West,
Fambro,	McRea,	Wilcoxson,
Felton,	Morell,	Williams of White,
Fields,	Neal,	Young of Irwin,
Gholston,	Overstreet,	

So the motion did not prevail.

Mr. Colquitt moved to amend the report by striking out the word "heretofore" in the first section of the bill, and to insert in lieu thereof the word "hereafter."

Mr. Carlton called the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was, on agreeing to the report. And the report was agreed to.

The bill was read the third time, and upon the question shall this bill now pass? Mr. Bryan required the yeas and nays, which being recorded were yeas 61, nays 41.

Those who voted in the affirmative were Messrs :

Akins,	Gholston,	Pope,
Arnold,	Gordon,	Quillian,
Ashley,	Graham,	Reid,
Banks	Gresham,	Reynolds,

Billups.	Harris of Walton,	Roberts,
Bloodworth of Car-	Harris of Worth,	Robinson of Lau-
roll,	Hays,	rens,
Bozeman,	Hill of Harris,	Robinson, of Talbot,
Brown,	Hill of Sumter,	Riley of Lumpkin,
Bryan,	Hill of Troup,	Smith of Hancock,
Carlton,	Hixon,	Staten,
Castleberry,	Jamison,	Stokes,
Cochran,	Johnson of Paulding	Strickland,
Cooper,	Mattox,	Stubbs,
Dawson,	Mallard,	Sutton,
Darden,	McConnell,	Treadwell,
Donaldson,	McGuire,	Walker,
Drake,	McRea,	Warthen,
Fain,	Morell,	Wilcher,
Felton,	Neal,	Wilcoxson,
Fields,	Overstreet,	Williams of White,

Those who voted in the negative were Messrs :

Adams of Elbert,	Fambro,	Stiles,
Adams of Rabun,	Hart,	Stowers,
Arnett,	Holcombe,	Stripling,
Atkinson,	Jarrard,	Tate,
Beall,	Johnson of Fayette,	Thomas,
Bennett,	Jossey,	Tucker,
Bloodworth of Pike,	Knox,	Webb,
Briscoe,	Lockheart,	West,
Browning,	Matthews,	Westbrooks
Bullard,	McDonald,	Whitaker,
Bush,	Mounger,	Williams of Berrien,
Byrd,	Paine,	Young of Irwin,
Collier,	Riley of Taylor,	Young of Union,
Colquitt,	Shepherd,	

So the bill was passed.

The hour for adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

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#### AFTERNOON SESSION.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Mr. Johnson of Fayette, from the committee on finance, made the following report :

The committee on finance have considered a bill to be en-

filed an act to compel the banks and agencies, whether foreign or domestic, in this State, to pay a county tax, and report the same back to the Senate without any expression of opinion.

The committee have also considered a bill to be entitled an act to authorize and require the treasurer to sign certain coupons, &c. and recommend the passage of the bill.

The committee have also considered a bill to be entitled an act to authorize his Excellency the Governor to sell all the lands belonging to the State in and around the Okefenokee swamp, and recommend that the same do not pass.

All of which is respectfully submitted.

JAMES F. JOHNSON, Chairman.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President.*—The House has passed the following bills, to wit:

A bill to amend the several laws in relation to the Georgia Asylum for the deaf and dumb, to change the name of the same, to define the duties of the principal, to appoint trustees for the same, and for other purposes therein named.

Also, a bill for the relief of John Needham Massey, otherwise John Needham Massey Sneed, otherwise called John Needham Warren Massey, a minor, and orphan of Needham W. Massey, deceased, and for other purposes therein mentioned.

Also, a resolution relative to the establishing of a National armory in this State, which I am directed to transmit forthwith to this branch of the General Assembly.

The Senate took up as the special order of the day, the report of the committee of the whole,

A bill to be entitled an act to alter and amend the first section of the third article of the Constitution of the State of Georgia.

Mr. Shephard offered the following bill as a substitute for the original, to-wit:

A bill to be entitled an act to repeal an act assented to the 10th day of December, 1845, entitled an act to carry into effect that part of the Constitution which requires the establishment of a Supreme Court for the correction of errors, and to organize the same, and to regulate the proceedings thereof.

Mr. McConnell moved lay the report and substitute on the table for the balance of the session.

Upon which, Mr. Hill of Harris called the previous question; which being seconded, the main question was ordered to be put. The main question was then put, which was on agreeing to the motion to lay the report and substitute on the table for the balance of the session.

Upon agreeing to which motion, Mr. Harris of Worth re-

quired the yeas and nays, which being recorded were yeas 58, nays 46.

Those voting in the affirmative are Messrs :

Arnett,	Fields,	Pope,
Ashley,	Gholston,	Price,
Bartlett,	Graham,	Quillian,
Billups,	Gresham,	Reid,
Bloodworth of Car-	Hill of Harris,	Roberts,
roll,	Hill of Sumter,	Robinson of Talbot,
Bloodworth of Pike,	Hill of Troup,	Riley of Taylor,
Bozeiman,	Hixon,	Stiles,
Briscoe,	Holcombe,	Stokes,
Brown,	Johnson of Fayette,	Stowers,
Browning,	Johnson of Pauld-	Stripling,
Carlton,	ing,	Stubbs,
Cooper,	Jossey,	Sutton,
Cone,	Knox,	Tate,
Crowder,	Mallard,	Treadwell,
Cumbie,	McConnell,	Turner,
Dawson,	Morell,	Webb,
Darden,	Mounger,	Wilcher,
Fain,	Overstreet,	Williams of Berrien,*
Felton,	Paine,	Young of Union.

Those who voted in the negative are Messrs :

Adams of Elbert,	Gibson,	
Adams of Rabun,	Griffin of Calhoun,	Riley of Lumpkin,
Akins,	Hart,	Shepherd,
Arnold,	Harris of Walton,	Shropshire.
Atkinson,	Harris of Worth,	Smith of Hancock,
Banks,	Hays,	Staten,
Beall,	Jamison,	Strickland,
Bennett,	Jarrard,	Thomas,
Bryan,	Lockheart,	Tucker,
Bullard,	Mattox,	Walker,
Bush,	Matthews,	West,
Castleberry,	McDonald,	Whitaker,
Collier,	McRea,	Wilcoxson,
Donaldson,	Neal,	Williams of White,
Drake,	Reynolds,	Young of Irwin,
Fambro,	Robinson of Laurens,	

\* So the motion to lay the report and substitute on the table for the balance of the session prevailed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend the first section of the third article of the Constitution, as to the place and places of the sitting of the Supreme Court of this State.

Mr. Briscoe offered the following as a substitute for the original bill, to-wit:

A bill to be entitled an act to amend the first section of the third article of the Constitution of this State, so far as regards the place of sitting of the Supreme Court, which was lost.

The report was then agreed to, the bill was read the third time and upon the question, shall this bill now pass? the yeas and nays were required to be recorded, in pursuance of the Constitution of this State, and were yeas 71, nays 35.

Those who voted in the affirmative were Messrs:

Akins, .	Gresham,	Reid,
Arnett,	Griffin of Calhoun,	Reynolds,
Atkinson,	Harris of Walton,	Roberts,
Ashley,	Harris of Worth,	Robinson of Lau-
Bartlett,	Hays,	rens,
Bozeman,	Hill of Harris,	Robinson, of Talbot,
Brown,	Hill of Sumter,	Smith of Hancock,
Browning,	Hill of Troup,	Staten,
Bush,	Hixon,	Stiles,
Carlton,	Holcombe,	Stokes,
Castleberry	Johnson of Fayette,	Stowers,
Collier,	Johnson of Paulding	Stubbs,
Colquitt,	Knox,	Sutton,
Cooper,	Lockheart,	Tate,
Cone,	Matthews,	Thomas,
Crowder,	McDonald,	Tucker,
Dawson,	McGuire,	Turner,
Darden,	McRea,	Walker,
Drake,	Morell,	Warthen,
Fain,	Mounger,	Webb,
Fambro,	Neal,	West,
Felton,	Overstreet,	Williams of White,
Gholston,	Paine,	Young of Irwin,
Gibson,	Price,	Young of Union,

Those who voted in the negative were Messrs:

Adams of Elbert,	Byrd,	Riley of Lumpkin,
Adams of Rabun,	Cumbe,	Riley of Taylor,
Arnold,	Donaldson,	Shepherd,
Banks,	Fields,	Shropshire,
Beall,	Graham,	Strickland,
Bennett,	Hart,	Stripling,
Blackworth of Pike,	Jamison,	Treadwell,
Blackworth of Car-	Jarrard,	Westbrooks,
roll,	Mattox,	Whitaker,
Briscoe,	Maillard,	Wicher,
Bryan,	McConnell,	Wilcoxson,
Bullard,	Quillian,	Williams of Berrien,

So the bill was passed.

Mr. Stubbs moved that the same be forthwith transmitted to the House of Representatives, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to define the powers of the Supreme Court of this State, relative to the reversals of its own decisions.

Mr. Hill of Harris moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal a part of the first section of the third article of the Constitution.

The report was agreed to, the bill was read the third time, and upon the question, shall this bill now pass? the yeas and nays were required, in pursuance of the Constitution of this State, to be recorded, and were yeas 87, nays 11.

Those who voted in the affirmative, are Messrs.

Adams of Elbert,	Fain,	Poppe,
Adams of Rabun,	Fambro,	Price,
Akins,	Fields,	Quillian,
Arnett,	Gholston,	Reid,
Arnold,	Gibson,	Reynolds,
Atkinson,	Graham,	Roberts,
Ashley,	Gresham,	Robinson of Lau-
Banks,	Griffin of Calhoun,	rens
Bartlett,	Hart,	Riley of Lumpkin,
Beall,	Harris of Walton,	Smith of Hancock,
Bennett,	Hays,	Staten,
Bloodworth of Pike,	Hill of Harris,	Stiles,
Bozeman,	Hixon,	Stokes,
Briscoe,	Holcombe,	Stowers,
Brown,	Johnson of Fayette,	Strickland,
Browning,	Johnson of Paulding,	Stripling,
Bryan,	Jossey,	Stubbs,
Bullard,	Knox,	Sutton,
Bush,	Lockheart,	Tate,
Byrd,	Mattox,	Thomas,
Carlton,	Mallard,	Treadwell,
Castleberry,	Matthews,	Tucker,
Collier,	McDonald,	Turner,
Colquitt,	McGuire,	Webb,
Cooper,	McRea,	West,
Cone,	Morell,	Wilcher,
Crowder,	Mounger,	Williams of Berrien,
Cumbie,	Neal,	Williams of White,
Darden,	Overstreet,	
Donaldson,	Paine	

Those who voted in the negative are Messrs :

Bloodworth of Car-	Jarrard,	Westbrooks;
roll,	McConnell,	Wilcoxson,
Harris, of Worth,	Shepherd,	Young of Irwin,
Jamison,	Walker,	Young of Union,

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Shropshire their clerk.

*Mr. President* :—The House has passed the following bill, to-wit :

A bill to appropriate money for the repair of the penitentiary, &c., which I am instructed to transmit forthwith to this branch of the General Assembly.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to submit the question of abolishing the Supreme Court to the people.

Mr. Harris of Worth moved to lay the report on the table for the balance of the session.

Upon agreeing to which motion, Mr. McDonald required the yeas and nays, which being recorded were yeas 42, nays 61.

Those who voted in the affirmative are Messrs.

Arnett,	Griffin of Calhoun,	Mounger,
Bartlett,	Harris of Worth,	Overstreet,
Bloodworth of Pike	Hill, of Harris,	Paine,
Briscoe,	Hill, of Sumter,	Price,
Browning,	Hill of Troup,	Reid,
Carlton,	Hixon,	Robinson of Talbot,
Castleberry,	Holcombe	Riley, of Taylor,
Colquitt,	Johnson of Pauld-	Sutton,
Cooper,	ing,	Tate,
Cone,	Jossey,	Tucker.
Crowder,	Knox,	Turner,
Dawson,	Lockheart,	Warthen,
Felton,	Mallard,	Young of Union,
Gibson,	McConnell;	
Gresham,	McGuire,	

Those who voted in the negative are Messrs.

Adams of Elbert,	Fain,	Riley of Lumpkin,
Adams of Rabun,	Fambro,	Shepherd,
Akins,	Fields,	Shropshire,
Arnold,	Gholston,	Smith of Hancock,
Atkinson,	Graham,	Staten,
Ashley,	Hart,	Stokes,
Banks,	Harris of Walton,	Stowers,
Beall,	Hays,	Strickland,



Bennett,	Jamison,	Stripling,
Bloodworth of Car-	Jarrard,	Thomas,
roll,	Johnson of Fayette,	Treadwell,
Bozeman,	Mattox,	Walker,
Bryan,	Matthews,	Webb,
Bullard,	McDonald,	West,
Bush,	McRea,	Westbrooks,
Byrd,	Morell,	Whitaker,
Collier,	Neal,	Wilcher,
Cumbie,	Quillian,	Wilcoxson,
Darden,	Reynolds,	Williams of White,
Donaldson,	Roberts,	Young of Irwin,
Drake,	Robinson of Laurens	

So the motion to lay the report on the table for the balance of the session did not prevail.

The report of the committee on the Judiciary, being against the passage of the bill, the report was disagreed to.

The report of the committee of the whole was then agreed to, the bill was read the third time, and upon the question shall this bill now pass; Mr. Harris of Worth required the yeas and nays, which being recorded, were yeas 62, nays 42.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Fields,	Reynolds,
Adams of Elbert,	Gholston,	Riley of Lumpkin,
Akins,	Gordon,	Shepherd,
Arnold,	Graham,	Shropshire,
Atkinson,	Hart	Smith of Hancock,
Ashley,	Harris, of Walton,	Staten,
Banks,	Hays,	Stokes,
Beall,	Holcombe,	Strickland,
Bennett,	Jamison,	Stowers,
Bloodworth of Car-	Jarrard,	Stripling,
roll,	Johnson of Paulding	Thomas,
Bozeman,	Mattox,	Treadwell,
Bryan,	Matthews,	Turner,
Bullard,	McDonald,	Walker,
Bush,	McDuffie,	West,
Byrd,	McGuire,	Westbrooks,
Collier,	McRea,	Whitaker
Cumbie,	Morell,	Wilcher,
Darden,	Neal,	Wilcoxson,
Donaldson,	Quillian,	Williams of Berrien,
Drake,	Robinson, of Laur-	Williams of White,
Fain,	ens,	Young of Irwin,

Those who voted in the negative are Messrs:

Arnett,	Gibson,	Paine,
Bartlett,	Gresham,	Price,

Bloodworth of Pike,	Griffin of Calhoun,	Reid,
Briscoe,	Harris of Worth,	Roberts,
Brown,	Hill of Harris,	Robinson of Talbot,
Browning,	Hill of Sumter,	Riley of Taylor,
Carlton,	Hill of Troup,	Stiles,
Castleberry,	Hixon,	Stubbs,
Colquitt,	Jossey,	Sutton,
Cooper,	Knox,	Tate,
Cone,	Lockheart,	Tucker,
Crowder,	McConnell,	Warthen,
Dawson,	Mounger,	Webb,
Felton,	Overstreet,	Young of Union,

So the bill was passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the duties of Judges in certain cases, and for other purposes.

The committee on the Judiciary moved to amend the report by striking out of the first section of said bill the words "or any near relation," and inserting in lieu thereof the words "or any relation of his wherein such Judge would be incompetent as a juror, as settled by the common law, to try such cases," and by striking out the word "case" in said section, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to curtail the jurisdiction of the Supreme Court in criminal cases, and for other purposes, relating to the uniformity and stability of the decisions of said tribunal.

The report of the Committee on the Judiciary being against the passage of the bill, the report was agreed to and the bill was lost.

The Senate took up as the special order of the day the report of the committee of the whole,

A bill to be entitled an act to provide for the codification of the laws of Georgia.

The hour of adjournment having arrived, the President adjourned the Senate until 6½ o'clock, P. M.

## EVENING SESSION.

6½ o'clock, P. M.

The Senate met according to adjournment.

On motion of Mr. Stripling the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Great Ohoopee manufacturing Company in Tatnall county, to build a dam across a navigable stream, and for other purposes therein mentioned.

Mr. Hill of Harris moved to amend the report by adding the following section to said bill:

*And be it further enacted*, That the private property of the stockholders shall be bound for all the debts and liabilities of said incorporation, and that said liability shall not cease upon the expiration of the charter, nor shall they, in any case, plead the statute of limitations before or after the expiration of their charter, which was lost.

Mr. Fambro moved further to amend the report by adding the following proviso to said bill:

Provided said dam does not back water upon any land not belonging to said company.

The report as amended was then agreed to, the bill was read the third time and passed.

On motion of Mr. Arnett the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate a bank to be called the Planters Bank, in the county of Decatur.

Mr. Harris of Worth, moved to amend the report by adding the following section to said bill:

*And be it further enacted*, That the private property of all the stockholders shall be jointly and severally liable for all the debts of the corporation or company, and that the debts to and from said corporation shall not cease or determine upon the expiration, dissolution or forfeiture of the charter of said incorporation, nor shall said corporation plead the statute of limitations until 20 years after the expiration of said charter, which was agreed to.

Mr. Adams of Elbert, moved further to amend the report by adding the following section to said bill:

*And be it further enacted*, That the Legislature hereby retains the right to repeal, alter or modify this charter at any time in future when in the opinion of the General Assembly the interest of the State or the public require it, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The following bills of the House of Representatives were taken up and severally read the first time.

A bill to be entitled an act to abolish imprisonment for debt on certain conditions herein set forth, and for other purposes.

Also a bill to be entitled an act to amend the first section of the third article of the constitution of the State of Georgia.

Also a bill to be entitled an act to repeal all laws and parts of laws authorizing Lotteries in the State of Georgia, and for other purposes.

Also a bill to be entitled an act to add an additional section to the penal code.

Also a bill to be entitled an act to amend the several laws in relation to the Georgia Asylum for the Deaf and Dumb, to change the name of the same, to define the duties of the Principal, to appoint trustees for the same, and for other purposes therein named.

Also a bill to be entitled an act to incorporate the Cotton Planters Convention of the State of Georgia.

Also a bill to be entitled an act for the relief of John Needham Massey, otherwise called John Needham Massey Snead, otherwise called John Needham Warren Massey, a minor, and orphan of Needham W. Massey, deceased, and for other purposes therein mentioned.

Also a bill to be entitled an act to incorporate the Yahula River and Cane Creek Hydraulic Hose Mining Company.

Also, a bill to be entitled an act to appropriate money for the repairs of the Penitentiary, and to erect additional buildings to the same for the security and accommodation of the convicts.

Also, a bill to be entitled an act to alter and amend the 8th section of the 4th division of the Penal Code of this State.

Also, a bill to be entitled an act to define the lines between the counties of Schley, Sumter and Macon; to change the lines between the counties of Irwin and Wilcox; the counties of Coweta and Heard; between the counties of Colquitt and Thomas; between the counties of Carroll and Harralson, and between the counties of Green and Taliaferro.

Also, a bill to be entitled an act to incorporate Relief Fire Company No. 2, in the town of Athens, and extend the same privileges to Clinch Fire Company of Augusta, No. 2.

Also, a bill to be entitled an act to protect the citizens of Wilcox and Irwin counties, from the injurious consequences of camp hunting by non-residents.

The following bills of the House of Representatives were taken up, severally read the second time, and referred to the committee of the whole, to-wit:

• A bill to be entitled an act to change the lines between certain counties therein named.

Also, a bill to be entitled an act, to repeal an act, approved December 17th, 1857, entitled an act to render certain the compensation of Teachers of Poor Children of the respective counties of the State, and to secure to poor children the benefits of the poor school fund, so far as relates to the counties of DeKalb, Union, and other counties.

Also, a bill to be entitled an act to appropriate money for the Medical College of Georgia.

Also, a bill to be entitled an act to provide for the appointment and compensation of a board of visitors to Franklin College, and to prescribe their duties.

Also, a bill to be entitled an act to appropriate money for the support of the government, for the political year 1859, and for other purposes therein named.

Also, a bill to be entitled an act to lay out and organize a new county from the counties of Hall, Habersham and Franklin, and for other purposes.

The Senate took up a reconsidered bill as amended, to be entitled an act to lay out and organize a new county from the county of Gordon.

The question being, shall this bill now pass? upon which question, Mr. Fambro required the yeas and nays, which being recorded were, yeas 56, nays 38.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Graham,	Quillian,
Adams of Rabun,	Hart,	Roberts,
Akins,	Harris of Worth,	Riley of Lumpkin,
Atkinson,	Hill of Harris,	Shropshire,
Ashley,	Hixon,	Staten,
Beall,	Jamison,	Stowers,
Bennett,	Jarrard,	Strickland,
Bloodworth of Carroll,	Johnson of Fayette,	Tate,
Bloodworth of Pike,	Johnson of Paulding,	Thomas,
Bozeman,	Jossey,	Treadwell,
Browning,	Knox,	Tucker,
Bryan,	Mattox,	West,
Bullard,	McConnell,	Westbrooks,
Byrd,	McDonald,	Whitaker,
Cumbie,	McDuffie,	Wilcher,
Fain,	Mounger,	Williams of Berrien,
Fields,	Overstreet,	Williams of White,
Gholston,	Price,	Young, of Irwin,
Gibson,		Young of Union.

Those who voted in the negative are Messrs :

Arnett,	Drake,	Neal,
Arnold,	Fambro,	Reid,

Banks,	Felton,	Reynolds,
Bartlett,	Gordon,	Robinson of Lau-
Billups,	Gresham,	rens,
Brown,	Harris of Walton,	Robinson of Talbot,
Carlton,	Hays,	Riley of Taylor,
Castleberry,	Hill of Sumter,	Smith of Hancock,
Collier,	Hill of Troup,	Stokes,
Cooper,	Lockheart,	Sutton,
Cone,	Matthews,	Walker,
Crowder,	McGuire,	Webb,
Darden,	McRea,	Wilcoxson,

So the bill was passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to make void the survey of the first district of Rabun county, known as Dickerson's survey.

Mr. Carlton moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to point out the mode of disposing of estray cattle within the county of Worth, &c.

Mr. Paine moved to amend the report by inserting in the first section of said bill after "Worth," the word Telfair.

And by changing the caption to correspond therewith, which was agreed to.

Mr. Bryan moved further to amend the report by inserting in the first section of said bill, after Telfair, the word "Wayne," and by changing the caption to correspond therewith, which was agreed to.

Mr. Young of Irwin, moved further to amend the report, by inserting in the first section of said bill after "Wayne," the word "Irwin," and by changing the caption to correspond therewith, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire their Clerk :

*Mr. President:*—The House has passed the following bills, to-wit:

A bill to be entitled an act to appropriate money for the completion of the State Lunatic Asylum and for other purposes therein mentioned; which I am directed to transmit forthwith to this branch of the General Assembly.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to compensate the Clerk of the Superior Court of the county of Worth, &c.

Mr. Young of Irwin, moved to amend the report, by inserting in the first section of said bill, after "Worth," the words "and Irwin;" and by changing the caption to correspond therewith, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and change the line between the counties of Worth and Dougherty.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to compel the Ordinary of Warren county, acting as poor school commissioner, to pay to the Ordinary of Glascock county the proportion of the poor school fund for 1858.

The report was agreed to, the bill was read the third time and lost.

A bill to be entitled an act to alter and change the line between the counties of Worth and Dougherty.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and amend the charter of the city of Macon.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to make and declare Miss Fannie Graham, of Perry, Houston county, Ga., the heir-at-law of Dugal B. Graham of Lowndes county, Georgia.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate Pine Log camp ground in Cass county, appoint trustees for the same, and confer on them certain privileges, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the agricultural society of Cass county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to compel non-residents in the county of Emmanuel, owning summer residences in said county, and driving cattle annually therein, to pay taxes on said residences and cattle in said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to consolidate the offices of the Clerks of Ordinary and Inferior Courts of Paulding county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to legalize and make valid the acts of Samuel Curtright, as Ordinary of the county of Troup.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Houston Manufacturing Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the town of Jonesboro, in the county of Clayton, and provide for the election of commissioners and other officers.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Griffin primary school of medicine established by Dr. Edward F Knott, in the city of Griffin.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the time of holding the Inferior Courts of Emmanuel county from 1st to 2d Monday in July

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act to define and



establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, and other officers therein mentioned, assented to Dec. 22d, 1857.

Mr. Adams of Elbert moved to amend the report by inserting in the first section of said bill after the word "Paulding," the words "and Elbert," and by changing the caption to correspond therewith, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal an act changing the line between the counties of Columbia and Warren, so as to include the residence of John Adkins of the county of Warren.

The report as amended was then agreed to, the bill was read the third time and passed.

Mr. Graham moved to amend the report by adding the following section to said bill, to-wit:

*And be it further enacted,* That the line between Pickens and Dawson counties be so changed as to add lots of land Nos. 169 and 172 in the fourth district and second section now in the county of Pickens, to the county of Dawson, including the residence of Andrew J. Lovelady in the county of Pickens, to the county of Dawson, and by changing the caption to correspond therewith, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to limit the power of the Inferior Court of Lumpkin county in levying a tax for county or other purposes.

Mr. Riley of Lumpkin offered the following bill as a substitute for the original.

A bill to be entitled an act to limit the power of the Inferior Court and Ordinary of Lumpkin county in levying county taxes, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize a competent surveyor to re-survey the first district of originally Wayne now Charlton county.

Mr. Arnold move to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and change the name of the village of Buffalo in Hancock county.

Mr. Smith moved to amend the report by striking out the

word "Glenville," and by inserting in lieu thereof the word "Linton," which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of Crayton Powell of the county of Emmanuel.

Mr. Young of Irwin moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to establish the fees of the Ordinary of the county of Bibb.

Mr. Tucker moved to amend the report by inserting in the first section of said bill after the word "Bibb," the words "Stewart, Randolph and Lee," and by changing the caption to correspond therewith, which was agreed to.

Mr. Whitaker moved further to amend the report by inserting after "Lee," in the first section of said bill the word "Fulton," and by changing the caption to correspond therewith, which was agreed to.

Mr. Bryan called the previous question, which being seconded the main question was ordered to be put. The main question was then put, which was on agreeing to the report as amended, and

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of A. W. Stone, guardian for Wm. and Louisa Gafford, free persons of color of Fulton county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Inferior Court of Fulton county to take stock in the Georgia Air Line Railroad and issue bonds upon certain conditions, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to compel persons owning property in the county of White to return and pay taxes thereon in White county.

Mr. Fambro moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole.

A bill to be entitled an act to alter the time of holding the Superior Courts in the counties of Walker and Dade.

Mr. Gordon moved to amend the report by adding the following section to said bill:

*And be it further enacted,* That the Inferior Court of Dade county shall be held on the second Mondays of May and November in every year, and the Inferior Court of Walker county shall be held on the fourth Mondays of May and November of every year. And by changing the caption to correspond therewith, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the town of Reidsville.

The report was agreed to, the bill was read the third time and passed.

The hour for adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

### WEDNESDAY, DECEMBER 8th, 1858.

9 O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Colquitt moved to reconsider so much of the journal of yesterday as relates to the vote by which a bill of the House of Representatives to be entitled an act to make uniform the decisions of the Supreme Court of this State, to regulate the reversals of the same, and for other purposes, was passed.

Upon agreeing to which motion, Mr. Colquitt required the yeas and nays, which being recorded were yeas 30, nays 67.

Those who voted in the affirmative are Messrs:

Arnett,	Holcombe,	Tate,
Atkinson,	Johnson of Fayette,	Thomas,
Bartlett,	Jossey,	Treadwell,
Briscoe,	McDonald,	Turner,
Browning,	Mounger,	Walker,
Bush,	Paine,	Ward,
Collier,	Riley of Taylor,	Webb,
Colquitt,	Shropshire,	Westbrooks,

Griffin or Calhoun, Spalding,  
Hammond, Stiles,

Wilcher,  
Young of Union.

Those who voted in the negative are Messrs:

Adams of Elbert,	Gholston,	Pope,
Akins,	Gordon,	Price,
Arnold,	Graham,	Quillian,
Ashley,	Gresham,	Reid,
Beall,	Hart,	Reynolds,
Bennett,	Harris of Walton,	Roberts,
Billaps,	Harris of Worth,	Robinson of Lau-
Bloodworth of Car-	Hays,	rens
roll,	Hill of Harris,	Robinson of Talbot,
Bloodworth of Pike,	Hill of Troup,	Riley of Lumpkin,
Brown,	Hixon,	Shepherd,
Bryan,	Jamison,	Smith of Hancock,
Bullard,	Jarrard,	Staten,
Byrd,	Johnson of Pauld-	Stokes,
Carlton,	ing,	Stowers,
Cochran,	Knox,	Stubbs,
Cooper,	Lockheart,	Sutton,
Cone,	Mattox,	Tucker,
Crowder,	Matthews,	Warthen,
Darden,	McConnell,	Wilcoxson,
Donaldson,	McRea,	Williams of Bernier,
Drake,	Morell,	Young of Irwin,
Fain,	Neal,	
Felton,	Overstreet,	

So the motion to reconsider did not prevail.

The following message was received from the House of Representatives, by Mr. Shropshire, their Clerk:

*Mr. President:*—The House has passed the following bills to-wit:

A bill to be entitled an act to regulate the sessions of the Courts of Ordinary in the county of Glynn.

Also a bill to be entitled an act to allow the Justices of the Peace in the several counties of this State to hold their Courts two days in every month.

A bill to be entitled an act to incorporate the town of Moultrie, in the county of Colquitt, and to add an additional section to an act incorporating the town of Lithonia, in DeKalb county, assented to March 5th, 1856, also to amend the charter incorporating the city of West Point, and for other purposes.

A bill to be entitled an act to amend an act entitled an act to establish and regulate the inspection of flour, approved Nov. 22d, 1814, so far as the same relates to the city of Savannah.

A bill to be entitled an act to amend an act approved 27th

February, 1856, to compensate the grand and petit jurors of the county of Decatur.

A bill to be entitled an act to change the residences of certain persons therein mentioned from the county of Clay to the county of Randolph.

A bill to be entitled an act to authorize James L. D. Perryman, of the county of Terrell, to practice medicine and charge and collect for the same.

A bill to be entitled an act to give the election of county treasurer of the counties of Wilcox and Coffee to the legal voters of said counties.

A bill to be entitled an act to exempt the mail guards employed on the Georgia Railroad, whose duty it is to accompany the mail agents on said road in the discharge of their duties, from jury duty.

A bill to be entitled an act to authorize the Inferior Court of White county to levy an extra tax, and for other purposes.

Mr. Wilcher moved to reconsider so much of the journal of yesterday as relates to the vote by which "a bill to be entitled, an act to compel the Ordinary of Warren county, acting as poor school commissioner, to pay to the Ordinary of Glasscock county her proportion of the poor school fund for 1858," was lost, which motion was agreed to.

Mr. Young of Union moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to make void the survey of the first district of Rabun county, known as "Dickerson's Survey," was laid on the table for the balance of the session, which motion was lost.

Mr. Stubbs moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to establish the fees of the Ordinaries of the counties of Bibb, Stewart, Randolph, Lee and Fulton was lost, which motion was lost.

Mr. Hill of Harris, moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to authorize a competent surveyor to resurvey the first district of originally Wayne, now Charlton county, was laid on the table for the balance of the session, which motion was lost.

Mr. Cooper from the committee on Internal Improvement made the following report,

The Committee on Internal Improvement have considered,

A bill to be entitled an act to authorize the Georgia Railroad and Bank Company to build a branch road to the town of Eatonton in Putnam county, and for other purposes, and recommend the passage of the bill.

The committee have also considered.

A bill to be entitled an act to explain an act entitled an act to incorporate a Railroad Company to be called the Atlantic and Gulf Railroad Company, &c., and report the same back to the Senate, without any recommendation.

All of which is respectfully submitted.

W. C. COOPER, Chairman.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk :

*Mr. President* :—The House has passed the following bill a-wit :

A bill to incorporate the town of Douglass, in the county of Collee, and for other purposes therein mentioned.

On motion of Mr. West the rules were suspended, and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the public site of the county of Lowndes and to provide for the selection of a new county site, and for other purposes herein mentioned.

Mr. West moved to amend the report by striking out the word "three" in the section of said bill and by inserting in lieu thereof the word "four," which was agreed to.

Mr. Fambro moved further to amend the report by adding the following proviso to the first section of said bill.

Provided the citizens of Lowndes county shall pay all damages which may accrue to the owners of real estate in Troupville which may be affected by this act.

Mr. McDonald moved to amend the same by inserting therein after the word "Lowndes" the words "and that part of Brooks taken therefrom," which was agreed to.

The motion to amend the report was then agreed to.

Mr. Fulton moved further to amend the following proviso to the first section of said bill,

And provided further that the question of removal shall first be submitted to the legal voters of Lowndes county and to be determined as a majority of said voters shall say upon their tickets at the election on 1s Monday in January next, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

Mr. Atkinson moved to suspend the rules for the purpose of offering a resolution.

Upon agreeing to which motion Mr. Bloodworth of Pike, required the yeas and nays which being recorded were yeas 70 nays 32.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Griffin of Calhoun,	Riley of Taylor,
Akins,	Hammond,	Shepherd,

<b>Arnett,</b>	<b>Hart,</b>	<b>Shropshire,</b>
<b>Arnold,</b>	<b>Gresham,</b>	<b>Spaulding,</b>
<b>Atkinson,</b>	<b>Harris of Walton,</b>	<b>Smith of Hancock</b>
<b>Ashley,</b>	<b>Harris of Worth,</b>	<b>Staten,</b>
<b>Banks,</b>	<b>Hays,</b>	<b>Stokes,</b>
<b>Bartlett,</b>	<b>Hill of Harris,</b>	<b>Sutton,</b>
<b>Beall,</b>	<b>Hill of Sumter,</b>	<b>Tate,</b>
<b>Bozeman,</b>	<b>Hill of Troup,</b>	<b>Thomas,</b>
<b>Briscoe,</b>	<b>Hixon,</b>	<b>Tucker,</b>
<b>Brown,</b>	<b>Jarrard,</b>	<b>Turner,</b>
<b>Browning,</b>	<b>Johnson of Fayette,</b>	<b>Ward,</b>
<b>Bryan,</b>	<b>Jossey,</b>	<b>Webb,</b>
<b>Bullard,</b>	<b>Knox,</b>	<b>West,</b>
<b>Byrd,</b>	<b>McDuffie,</b>	<b>Westbrooks,</b>
<b>Carlton,</b>	<b>McRea,</b>	<b>Wilcher,</b>
<b>Castleberry,</b>	<b>Mounger,</b>	<b>Wilcoxson,</b>
<b>Cochran,</b>	<b>Neal,</b>	<b>Williams of Ber-</b>
<b>Colquitt,</b>	<b>Overstreet,</b>	<b>rien,</b>
<b>Cooper,</b>	<b>Paine,</b>	<b>Williams of Terrell,</b>
<b>Fain,</b>	<b>Price,</b>	<b>Williams of White,</b>
<b>Gordon,</b>	<b>Quillian,</b>	<b>Young of Irwin,</b>
<b>Graham,</b>	<b>Roberts,</b>	

Those voting in the negative are Messrs :

<b>Bennett,</b>	<b>Fambro,</b>	<b>McGuire,</b>
<b>Bloodworth of Car-</b>	<b>Fields,</b>	<b>Reid,</b>
<b>roll,</b>	<b>Golston,</b>	<b>Reynolds,</b>
<b>Bloodworth of Pike,</b>	<b>Gibson,</b>	<b>Robinson of Lau-</b>
<b>Bush,</b>	<b>Holcombe,</b>	<b>rens,</b>
<b>Collier,</b>	<b>Jamison,</b>	<b>Robinson of Talbot</b>
<b>Cone,</b>	<b>Lockheart,</b>	<b>Riley, of Lumpkin</b>
<b>Crowder,</b>	<b>Mattox,</b>	<b>Strickland,</b>
<b>Darden,</b>	<b>Matthews,</b>	<b>Treadwell,</b>
<b>Donaldson,</b>	<b>McConnell,</b>	<b>Walker,</b>
<b>Drake,</b>	<b>McDonald,</b>	<b>Young, of Union,</b>

So the motion to suspend the rules prevailed.

Mr. Atkinson offered the following resolution which was taken up, and read,

*Resolved:*—The House of Representatives concurring, that a committee of three be appointed from the Senate to confer with such committee as the House may appoint, to examine into the unfinished business and report on adjournment.

Upon agreeing to which resolution Mr. Bloodworth of Carroll required the yeas and nays, which being recorded were yeas 69 nays 33.

Those who voted in the affirmative are Messrs.

<b>Adams of Rabun,</b>	<b>Felton.</b>	<b>Riley of Lumpkin,</b>
<b>Akins,</b>	<b>Gordon,</b>	<b>Riley of Taylor,</b>

<b>Arnett,</b>	<b>Graham,</b>	<b>Shepherd,</b>
<b>Arnold,</b>	<b>Gresham.</b>	<b>Spalding,</b>
<b>Atkinson,</b>	<b>Griffin of Calhoun,</b>	<b>Smith of Hancock,</b>
<b>Ashley,</b>	<b>Hammond,</b>	<b>Staten,</b>
<b>Banks,</b>	<b>Harris of Walton,</b>	<b>Stokes,</b>
<b>Bartlett,</b>	<b>Harris of Worth,</b>	<b>Sutton.</b>
<b>Beall,</b>	<b>Hays,</b>	<b>Thomas,</b>
<b>Bozeman,</b>	<b>Hill of Troup,</b>	<b>Tucker,</b>
<b>Briscoe,</b>	<b>Jarrard,</b>	<b>Turner,</b>
<b>Brown,</b>	<b>Johnson of Fayette,</b>	<b>Ward,</b>
<b>Browning,</b>	<b>Jossey,</b>	<b>Webb,</b>
<b>Bryan.</b>	<b>Knox,</b>	<b>West,</b>
<b>Bullard,</b>	<b>McDuffie,</b>	<b>Westbrooks,</b>
<b>Byrd,</b>	<b>McRea,</b>	<b>Whitaker,</b>
<b>Carlton,</b>	<b>Mounger,</b>	<b>Wilcher,</b>
<b>Castleberry,</b>	<b>Neal,</b>	<b>Wilcoxson,</b>
<b>Cochran,</b>	<b>Overstreet,</b>	<b>Williams of Berrien,</b>
<b>Collier,</b>	<b>Paine,</b>	<b>Williams of Terrell,</b>
<b>Colquitt,</b>	<b>Quillian,</b>	<b>Williams of White,</b>
<b>Cooper,</b>	<b>Robinson of Lau-</b>	<b>Young, of Irwin,</b>
<b>Dawson,</b>	<b>rens,</b>	<b>Young of Union.</b>
<b>Fain,</b>		

Those who voted in the négative, are Messrs.

<b>Bennett,</b>	<b>Gholston,</b>	<b>Pope,</b>
<b>Bloodworth of Car-</b>	<b>Gibson,</b>	<b>Price,</b>
<b>roll,</b>	<b>Hart,</b>	<b>Reid,</b>
<b>Bloodworth of Pike,</b>	<b>Jamison,</b>	<b>Reynolds,</b>
<b>Bush,</b>	<b>Lockheart,</b>	<b>Robinson of Talbot,</b>
<b>Cone,</b>	<b>Mattox,</b>	<b>Stowers,</b>
<b>Crowder</b>	<b>Matthews,</b>	<b>Strickland,</b>
<b>Darden,</b>	<b>McConnell,</b>	<b>Stubbs,</b>
<b>Donaldson,</b>	<b>McDonald,</b>	<b>Tate,</b>
<b>Drake,</b>	<b>McGuire,</b>	<b>Treadwell,</b>
<b>Fambro,</b>	<b>Morell,</b>	<b>Walker,</b>
<b>Fields,</b>		

So the resolution was agreed to.

And upon motion of Mr. Harris of Worth, the same was ordered to be forthwith transmitted to the House of Representatives.

In pursuance of the foregoing resolution, the President appointed Messrs. Atkinson, Harris of Worth and Gibson as the committee on the part of the Senate.

The Senate resumed the consideration of the unfinished business of yesterday, the report of the committee of the whole on,

A bill of the House of Representatives to be entitled an act to provide for the codification of the laws of Georgia.



The Committee on the Judiciary moved to amend the report by inserting in the second section of said bill after the words "Supreme Court" the words "or Statutes of England in force in this State," which was agreed to.

Mr. Bartlett moved further to amend the report by striking out the words "three years" and by inserting in lieu thereof the words "twenty months," which was agreed to.

Mr. Bartlett moved further to amend the report by inserting in the third section of said bill after words "adequate compensation" the words "which shall not exceed four thousand dollars to each commissioner," which was agreed to.

Mr. Tucker moved further to amend the report by striking out of the second section of said bill, the figures "1861" and by inserting in thereof the figures "1860," which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

And on motion of Mr. Tucker the same was ordered to be forthwith transmitted to the House of Representatives.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk:

*Mr. President:*—the House has concurred in the Resolution of the Senate, appointing a committee to confer with a committee to be appointed by the House, to examine into the unfinished business, and report on adjournment.

Under the above resolution the following committee were appointed, "to-wit:—"

Messrs. Milledge, Irwin, Kenan, Smith of Towns and Pickett.

Mr. Harris of Worth, from the committee on new county and county lines, report that they have had under consideration,

A bill proposing to add a portion of Jones county to Twiggs, and recommend that the bill do not pass.

Also, a bill to add a portion of Twiggs county to Bibb, and recommend the adoption of the substitute in lieu of the original, and that the substitute do pass.

Also, a bill proposing to lay out and organize a new county from Hall, Habersham and Franklin, and on the adoption of the amendment offered by the gentleman from Hall, recommend the passage of the bill.

Also, a bill to change the line between the counties of Fulton and Fayette, and report the same back without any expression of opinion.

W A. HARRIS, Chairman,

On motion of Mr. the rules were suspended and the Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to appropriate money for the support of the Government for the

political year 1859, and for other purposes therein mentioned. Mr. Cone moved that the report be taken up by sections, which was agreed to.

The first section being read, the same was agreed to.

The second section being read,

Mr. Cone moved to amend the same by striking out so much thereof as appropriates the sum of thirty-five hundred dollars to each of the Judges of the Supreme Court and by inserting in lieu thereof the following:

"That the Judge of the Supreme Court who has been commissioned and sworn in (since the act of 1857 increasing the salaries of the Judges,) receive the sum of thirty-five hundred dollars for the year 1858, and the two Judges of the Supreme Court who were commissioned and qualified previous to said act of 1857, shall receive the sum of twenty-five hundred dollars for the year 1859," which was agreed to.

The third section being read, the same was agreed to.

The fourth section being read, Mr. Hill of Troup moved to amend the same by striking out the words "eighteen hundred dollars" as the salary of the Superintendent of the Lunatic Asylum, and by inserting in lieu thereof the words "twenty-five hundred dollars."

Upon agreeing to which motion Mr. Hill of Troup required the yeas and nays, which being recorded were yeas 61, nays 47.

Arnett,	Hammond,	Robinson of Lau-
Atkinson,	Hart,	rens,
Bartlett,	Harris of Worth,	Robinson of Talbot,
Bozeman,	Hill of Harris,	Riley of Taylor,
Brice,	Hill of Troup,	Shepherd,
Brown,	Hixon,	Shropshire,
Browning,	Holcombe,	Spalding,
Byrd,	Johnson of Fayette,	Smith of Hancock,
Carlton,	Jossey,	Stiles,
Collier,	Knox,	Stubbs,
Colquitt,	Lockheart,	Tucker,
Cooper,	Mallard,	Turner,
Crowder,	Matthews,	Ward,
Dawson,	McConnell	Warthen,
Darden,	McDonald,	Webb,
Drake,	McDuffie,	West,
Fain,	McGuire,	Whitaker,
Fambro,	McRea,	Williams of Terrell,
Gibson,	Morell,	Young of Irwin,
Gresham,	Mounger,	Young of Union.
Griffin of Calhoun,	Paine,	

Those who voted in the negative are Messrs:

Adams of Elbert,	Fields,	Reynolds,
Adams of Rabun,	Gholston.	Roberts,

Akins,	Gordon,	Riley of Lumpkin,
Ashley,	Graham,	Stokes,
Banks,	Harris of Walton,	Stowers,
Beall,	Hays,	Strickland,
Bennett,	Jamison,	Sutton,
Bloodworth of Car-	Jarrard,	Tate,
roll,	Johnson of Pauld-	Thomas,
Bloodworth of Pike,	ing,	Treadwell,
Bryan,	Mattox,	Walker,
Bullard,	Neal,	Westbrooks,
Bush,	Overstreet,	Wilcher,
Castleberry,	Price,	Wilcoxson,
Cone,	Quillian,	Williams of Berrien,
Donaldson,	Reid,	Williams of White,
Felton,		

So the motion to strike out and insert prevailed.

Mr. Hill of Troup moved further to amend the fourth section by striking out the words "eight thousand" as the appropriation to pay the trustees, servants, &c., of the Lunatic Asylum, and by inserting in lieu thereof the words "ten thousand," provided so much is found necessary by his Excellency the Governor, to whom quarterly reports of the expenditures shall be made, which was agreed to.

Mr. Hill of Troup moved further to amend the fourth section by striking out the words "ten thousand" as the appropriation to support pauper patients in the Asylum, and by inserting in lieu thereof the words "fifteen thousand, provided so much is found necessary by his Excellency the Governor, to whom quarterly reports of the expenditures shall be made, which was agreed to.

Mr. Wilcox moved further to amend the fourth section by adding the following proviso thereto:

Provided that the Governor be and he is hereby authorized to require the Superintendent of the Lunatic Asylum to state in his annual report the items and amounts received from pay patients of said Asylum, and a full account current of his receipts and expenditures of said institution, which was agreed to.

Mr. Bartlett moved further to amend the fourth section by adding the following section thereto:

Provided that in no case shall a pay patient from a sister State be received into said Asylum, when by receiving such pay patients there is not sufficient room and accommodations for all the pauper patients of this State that may hereafter apply by their friends for admission into said Asylum, which was agreed to.

The fourth section was then agreed to.

The fifth section being read,

Mr. Paine moved to strike out the words "eleven hundred

and eighty-six dollars and twenty five cents,' and by inserting in lieu thereof the words "twelve hundred dollars," which was agreed to.

Mr. Gibson moved further to amend the fifth section by striking out the words "six hundred dollars" as the salary of the State Librarian, and by inserting in lieu thereof the words "one thousand."

Mr. Tucker called for a division of the question.

And the motion to strike out was put and carried

The motion to insert one thousand was then put and lost.

Mr. Harris of Worth moved to insert in the blank the words "eight hundred dollars."

Upon agreeing to which motion Mr. Bloodworth of Pike required the yeas and nays, which being recorded were yeas 65, nays 34.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Griffin of Calhoun,	Roberts,
Akins,	Hammond,	Robinson, of Laur-
Atkinson,	Hart	ens,
Bartlett,	Harris of Worth,	Robinson of Talbot,
Bennett,	Hill of Troup,	Shropshire,
Briscoe,	Hixon,	Spalding,
Brown,	Holcombe,	Stiles,
Browning,	Jamison,	Strickland,
Bryan,	Jarrard,	Stubbs,
Bullard,	Johnson of Paulding	Tate,
Carlton,	Knox,	Thomas,
Cochran,	Mattox,	Tucker,
Collins,	Mallard,	Turner,
Colquitt,	Matthews,	Warthen,
Cooper,	McConnell,	Webb,
Drake,	McDonald,	West,
Fair,	McGuire,	Westbrooks,
Fambro,	McRea,	Whitaker
Fields,	Morell,	Wilcher,
Gibson,	Mounger,	Williams of Berrien,
Gordon,	Paine,	Young of Irwin,
Gresham,	Price,	Young of Union,

Those who voted in the negative are Messrs:

Arnold,	Donaldson,	Riley of Taylor,
Banks,	Felton,	Shepherd,
Beall,	Gholston,	Smith of Hancock,
Bloodworth of Car-	Graham,	Stokes,
roll,	Harris, of Walton,	Stowers,
Bloodworth of Pike,	Hays,	Sutton,
Bush,	Lockheart,	Treadwell,
Byrd,	Neal,	Walker,
Casberry,	Overstreet,	Ward,

Cone,  
Crowder,  
Darden,

Reid,  
Reynolds,  
Riley of Lumpkin.

Wilcoxson,  
Williams of White.

So the motion to insert eight hundred prevailed.

The fifth section was then agreed to.

The sixth section being read, the same was agreed to.

The seventh section being read,

Mr. Bloodworth of Pike moved to amend the same by striking out the words "six dollars" as the pay of members of the General Assembly, and by inserting in lieu thereof the words "five dollars," which was lost.

Mr. Paine moved to amend the seventh section by striking out the words "seven dollars" as the pay of the presiding officers of the Senate and House of Representatives and by inserting in lieu thereof the words "ten dollars," which was lost.

Mr. Bloodworth of Carroll moved further to amend the seventh section by adding the following proviso to said section:

Provided no member shall receive any per diem pay after he has leave of absence for the balance of the session, which was lost.

The seventh section was then agreed to.

The eighth section being read, Mr. Tucker moved to amend the same by inserting therein the following words:

And that the sum of two hundred and fifty dollars be and the same is hereby appropriated as additional compensation to Charles J. Harris as assistant Secretary of the Senate, and the same drawn under the warrant of the President of the Senate, and the like amount to the assistant Clerk of the House of Representatives, to be drawn under the warrant of the Speaker of the House of Representatives, which was agreed to.

Mr. Harris of Worth moved to strike out the words "six dollars" as the pay of the Clerks and by inserting in lieu thereof the words "seven dollars."

Upon agreeing to which motion Mr. Bloodworth of Pike required the yeas and nays, which being recorded were yeas 39, nays 53.

Those who voted in the affirmative are Messrs:

Adams of Rabun,  
Akins,  
Atkinson,  
Beall,  
Bennett,  
Bloodworth of Carroll,

Cone,  
Felton,  
Gordon,  
Griffin or Calhoun,  
Hart,  
Harris of Worth,  
Hill of Troup,

Roberts,  
Robinson of Laurens  
Shropshire,  
Spalding,  
Stubbs,  
Tate,

<b>Briscoe,</b>	<b>Hixon,</b>	<b>Ward,</b>
<b>Brown,</b>	<b>Holcombe,</b>	<b>West,</b>
<b>Browning,</b>	<b>Matthews,</b>	<b>Westbrooks,</b>
<b>Bullard,</b>	<b>McConnell,</b>	<b>Wilcher,</b>
<b>Byrd,</b>	<b>McGuire,</b>	<b>Young of Irwin,</b>
<b>Carlton,</b>	<b>Mounger,</b>	<b>Young of Union.</b>
<b>Cochran,</b>	<b>Paine,</b>	

Those who voted in the negative are Messrs:

<b>Arnold,</b>	<b>Harris of Walton,</b>	<b>Riley of Lumpkin,</b>
<b>Banks,</b>	<b>Hays,</b>	<b>Riley of Taylor,</b>
<b>Bartlett,</b>	<b>Jamison,</b>	<b>Shepherd,</b>
<b>Bloodworth of Pike,</b>	<b>Jarrard,</b>	<b>Smith of Hancock,</b>
<b>Bryan,</b>	<b>Johnson of Paulding,</b>	<b>Stokes,</b>
<b>Bush,</b>	<b>Lockheart,</b>	<b>Stowers,</b>
<b>Castleberry,</b>	<b>Mattox,</b>	<b>Strickland,</b>
<b>Collier,</b>	<b>McDonald,</b>	<b>Sutton.</b>
<b>Crowder,</b>	<b>McRea,</b>	<b>Thomas,</b>
<b>Darden,</b>	<b>Morell,</b>	<b>Treadwell,</b>
<b>Donaldson,</b>	<b>Neal,</b>	<b>Turner,</b>
<b>Drake,</b>	<b>Overstreet,</b>	<b>Walker,</b>
<b>Fain,</b>	<b>Price,</b>	<b>Whitaker</b>
<b>Fambro,</b>	<b>Quillian,</b>	<b>Wilcher,</b>
<b>Fields,</b>	<b>Reid,</b>	<b>Williams of Berrien.</b>
<b>Gholston,</b>	<b>Reynolds,</b>	<b>Williams of White.</b>
<b>Graham,</b>	<b>Robinson of Talbot,</b>	
<b>Gresham,</b>		

So the motion was lost.

The eighth section was then agreed to.

The ninth section being read, the same was agreed to.

The tenth section being read, the same was agreed to.

The eleventh section being read,

Mr. Bartlett moved to amend the same by adding the following words thereto:

“And that the sum of eight dollars per day and the same mileage as is allowed the members of the Legislature to and from their homes to the city of Atlanta be appropriated to pay Thomas P. Stubbs, Hawkins F. Price and Joseph T. McConnell for services rendered the State fifty days, and John A. Tucker ten days, and Lawson Fields forty days in examining into the affairs of the Western and Atlantic Railroad under a resolution of the Senate, and that the sum of ten dollars per day for fifty days be appropriated to Wm. B. Terhune, Secretary of said committee for service rendered as such Secretary upon his filing the original records of said committee in the Secretary of State office together with the original papers not embraced in said report.

Pending the consideration of which amendment, the hour

for adjournment arrived and the President adjourned the Senate until 3 o'clock, P. M.

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AFTERNOON SESSION.

3 o'clock, P. M.

The Senate met according to adjournment.

And resumed the consideration of the unfinished business of the morning, which was the report of the committee of the whole on

A bill to be entitled an act to appropriate money for the support of the Government for the political year 1859 and for other purposes therein mentioned.

And the motion of Mr. Bartlett to amend the eleventh section thereof.

The motion was put and agreed to.

The eleventh section was then agreed to.

The twelfth section being read, the same was agreed to.

The thirteenth section being read, the same was agreed to.

The fourteenth section being read, the same was agreed to.

The fifteenth section being read, the same was agreed to.

The sixteenth section being read, the same was agreed to.

The seventeenth section being read, the same was agreed to.

The 18th section being read, the same was agreed to.

The 19th section being read, the same was agreed to.

The 20th section being read, the same was agreed to.

The 21st section being read, the same was agreed to.

The 22d section being read, the same was agreed to.

Mr. Morell moved to amend the report by adding the following as a section to said bill.

*And be it further enacted,* That the sum of ten dollars and seventy-three cents be appropriated to Obediah Edwards, Jr., of the county of Effingham, it being the amount paid by him as double tax on the State tax of 1858, and that John G. Morrell, Senator from said county, be authorized to receive and receipt for the same.

Mr. Bartlett moved to amend the amendment, by adding the following words thereto; "and that the sum of four dollars and ninety cents be refunded to Archibald Standifer, it being the amount of a double tax on a house and lot in the city of Dalton, and that the Senator from Jasper be authorized to receipt for the same, which was agreed to.

The motion as amended was then agreed to.

Mr. Whitaker moved further to amend the report by adding the following as a section thereto:

*And be it further enacted,* That the sum of two hundred and fifty dollars be and is hereby appropriated as balance of compensation to the Hon. John D. Stell for services rendered in 1854, as commissioner on the part of the State in representing the State in certain claims against the State by citizens of the State of Tennessee, and that the same be paid by the Treasurer to the Senator or Representatives of Fulton, for the use of said Stell, which was lost.

Mr. Whitaker moved further to amend the report by adding the following section to said bill:

*And be it further enacted,* That the sum of sixty dollars to the Bank of Fulton for four coupons on the State upon the filing of an affidavit of the President as to their loss in the treasurer's office, which was agreed to.

Mr. Crowder moved further to amend the report by adding the following as a section to said bill:

*And be it further enacted,* That the Governor be authorized to draw his warrant on the Treasury in favor of Aquiller Chinney of Monroe county, eighteen dollars and four cents, he being double taxed, and J. T. Crowder be authorized to receive and receipt for the same, which was lost.

Mr. Gibson moved further to amend the report, by adding the following as a section to said bill.

*And be it further enacted by the authority aforesaid,* That the sum of two hundred and fifty dollars be and the same is hereby appropriated to each of the delegates who were appointed under an act of the Legislature, and attended the Southern Rights convention at Nashville, in the year 1850, in full for their per diem mileage and expenses, and that the same be paid respectively to each, or to the legal representatives of such as are deceased.

Upon agreeing to which motion, Mr. Reynolds required the yeas and nays, which being recorded were yeas 52, nays 41.

Those who voted in the affirmative are Messrs.

Adams of Rabun,	Gordon,	Robinson of Talbot,
Akins,	Gresham,	Riley, of Taylor,
Arnett,	Griffin of Calhoun,	Shropshire,
Bartlett,	Harris of Worth,	Spalding,
Beall,	Hill, of Sumter,	Staten,
Bloodworth of Pike	Hill of Troup,	Stiles,
Briscoe,	Jamison,	Stokes,
Brown,	Johnson of Pauld-	Tate,
Bullard,	ing,	Thomas,
Carlton,	Knox,	Tucker,
Cochran,	Matthews,	Warthen,
Collier,	McConnell,	Westbrooks,



Colquitt,	McGuire,	Whitaker,
Crowder,	Morell,	Wilcher,
Dawson,	Mounger,	Wilcoxson,
Drake,	Paine,	Williams of White,
Fambro,	Price,	Young of Union,
Gibson,	Roberts,	

Those who voted in the negative are Messrs.

Adams of Elbert,	Fain,	Reid,
Arnold,	Fields,	Reynolds,
Ashley,	Gholston,	Robinson of Laurens
Banks,	Graham,	Riley of Lumpkin,
Bennett,	Griffin of Twiggs,	Strickland,
Bloodworth of Car-	Hart,	Stubbs,
roll,	Harris of Walton,	Sutton,
Browning,	Hays,	Treadwell,
Bryan,	Lockheart,	Turner,
Bush,	Mattox,	Walker,
Castleberry,	McRea,	Ward,
Cumbie,	Neal,	Webb,
Darden,	Overstreet,	Williams of Berrien,
Donaldson,	Quillian,	Young of Irwin,

So the motion prevailed.

Mr. Beall moved further to amend the report by adding the following section to said bill :

Whereas no return was made in the year 1857, by the proper officer, of the number of poor children the beneficiaries of the poor school fund for Warren county, and the treasurer therefore withheld from said county for the year 1856.

*Be it therefore enacted,* That his Excellency the Governor draw his warrant in favor of the Ordinary or poor school commissioner of Warren county, on the treasurer for the sum of \$45 80, which is the amount withheld on \$229 00, the amount paid in 1856 from said county at 20 per cent, which was lost.

Mr. Bloodworth of Carroll, moved further to amend the report by adding the following section to said bill :

*Be it further enacted,* That the sum of \$2,000 be and the same is hereby appropriated for the purpose of purchasing muskets and swords for the Bowden Collegiate Institute, which was lost.

Mr. Shropshire moved further to amend the report by adding the following section to said bill :

*And be it further enacted,* That the sum of \$481 be, and the same is hereby appropriated to reimburse A. P. Algood of Chattooga county, for expenses incurred by him in nursing and taking care of persons afflicted with small pox in Chattooga county, during the year 1858; and that the Governor

draw his warrant upon the treasury for said sum in favor of C. D. Black the representative of Chattooga, who is entitled to receive and receipt for the same, which was lost.

The report as amended was agreed to, the bill was read the third time, and upon the question, shall this bill now pass?

Mr. Arnold required the yeas and nays, which being recorded were, yeas 66 nays 36.

Those who voted in the affirmative, are Messrs.

Adams of Elbert,	Gresham,	Mounger,
Adams of Rabun,	Griffin of Calhoun,	Paine
Akins,	Griffin of Twiggs,	Pope,
Arnett,	Hart,	Price,
Atkinson,	Harris of Walton,	Roberts,
Ashley,	Harris, of Worth,	Robinson of Lau-
Bartlett,	Hill of Sumter.	rens
Briscoe,	Hill of Troup,	Riley of Taylor,
Browning,	Hixon,	Spalding,
Bullard,	Holcombe,	Staten,
Byrd,	Jamison,	Stiles,
Carlton,	Jarrard,	Stokes,
Cochran,	Johnson of Fayette,	Tate,
Collier,	Johnson of Pa'ding,	Thomas,
Colquitt,	Knox,	Turner,
Cooper,	Mattox,	Ward,
Crowder,	Matthews,	Warthen,
Darden,	McConnell.	Whitaker,
Donaldson,	McDonald,	Wilcher,
Drake,	McGuire,	Williams of Berrien,
Fambro,	McRea,	Young of Irwin,
Gibson,	Morell,	Young of Union,
Gordon,		

Those who voted in the negative are Messrs :

Arnold,	Fain,	Riley of Lumpkin,
Banks,	Fields,	Smith of Hancock,
Beall,	Gholston,	Stubbs,
Bennett,	Graham,	Sutton,
Bloodworth of Car-	Hays,	Treadwell,
roll,	Lockheart,	Tucker,
Bloodworth of Pike,	Neal,	Walker,
Brown,	Overstreet,	Webb,
Bryan,	Quillian,	West,
Bush,	Reid,	Westbrooks,
Castleberry,	Reynolds,	Wilcoxson,
Cone,	Robinson of Talbot,	Williams of White,
Dawson,		

So the bill was passed.

On motion of Mr. Bloodworth of Carroll, the foregoing bill was ordered to be forthwith transmitted to the House of Representatives.

Mr. Briscoe from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate,

A resolution, appointing a committee to examine into the unfinished business of the Legislature.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to encourage the intelligent indigent youth and to provide a corps of competent school teachers of this State.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal all laws exempting from taxation, stock owned by the State in Banks.

The report was agreed to, the bill was read the third time, and upon the question, shall this bill now pass?

Mr. Young of Union, required the yeas and nays, which being recorded, were yeas 76, nays 7.

Those who voted in the affirmative were Messrs:

Adams of Elbert,	Fain,	Riley of Lumpkin,
Adams of Rabun,	Felton,	Spalding,
Akins,	Gholston,	Smith of Hancock,
Arnett,	Gordon,	Staten,
Arnold,	Graham,	Stokes,
Atkinson,	Gresham,	Strickland,
Banks.	Griffin of Calhoun,	Stubbs,
Bartlett,	Griffin of Twiggs,	Sutton,
Beall,	Hart,	Tate,
Bloodworth of Carroll,	Harris of Walton,	Thomas.
Bloodworth of Pike,	Harris of Worth,	Tison,
Brown,	Hays,	Treadwell,
Browning,	Hill of Sumter,	Tucker,
Bryan,	Hixon,	Turner,
Bullard,	Holcombe,	Walker,
Bush,	Jamison,	Ward,
Byrd,	Jarrard,	Warthen,
Carlton,	Johnson of Paulding,	Webb,
Castleberry,	Mattox,	West,
Collier,	McDonald,	Wilcher,
Colquitt,	McGuire,	Wilcoxson,
Dawson,	Mounger,	Williams of Berrien,
Darden,	Overstreet,	Williams of Terrell,
	Price,	Williams of White,

Donaldson, Reynolds, Young of Irwin,  
Drake, Robinson, of Talbot,

Those who voted in the negative were Messrs:

Ashley, Reid, Westbrooks  
Johnson of Fayette, Stiles, Young of Union.  
Quillian,

So the bill was passed.

The Senate took up as the report of the committee of the whole,

A reconsidered bill to be entitled an act to prescribe the manner in which precincts may be established, altered or abolished by the Inferior Courts of this State.

The report was agreed to, the bill was read third time and lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to compel banks and agencies whether foreign or domestic in this State, to pay county tax.

Mr. Griffin of Twiggs, moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize and require the Treasurer to sign certain coupons, &c.

Mr. Westbrooks moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal the eighth section of an act entitled an act to levy and collect a tax for each of the political years 1852, and 1853 and thereafter until repealed, approved January 9th, 1852.

Mr. Griffin of Twiggs moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the claim laws of this State.

Mr. Bartlett moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal an act assented to December 17th, 1857, to render certain the compensation of teachers of poor children of the respective counties of the State, and to secure to poor children the benefit of the poor school fund, so far as relates to the county of Chatham.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to prevent the interference of free negroes in any manner with our slaves, and punish the same.

The committee on the judiciary moved to amend the report by inserting in the third section of said bill, after the word "person" and; before the word "proceed," the words "that the judicial officer before whom such warrant shall be returned, shall forthwith cause the Sheriff or his deputy, or a lawful constable, to summon 18 persons subject to jury duty in the county from whom a jury of 12 shall be selected to try the issue;" and by striking out the words "authorizing the judicial officer to determine the question of guilty or not guilty," which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to add an additional section to the 12th division of the penal code of this State, for purposes therein mentioned.

The committee on the judiciary moved to amend the report by striking out the words "or libels;" and by inserting after the words "attached thereto," the words "or shall deface, or injure or destroy any monument, tombstone, head or foot stone, or any fence enclosing the same," which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The hour for adjournment having arrived, the President adjourned the Senate until half past 6 o'clock P. M.

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#### EVENING SESSION.

6½ O'CLOCK, P. M.

The Senate met according to adjournment.

On motion of Mr. Whitaker, the rules were suspended, and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate a bank in the city of Atlanta to be called the Railroad City Bank.

Mr. Adams of Elbert moved to amend the report by adding the following section to said bill:

*And be it further enacted,* That the Legislature hereby retains the right to repeal, alter or modify this charter at any time in future, when, in the opinion of the General Assembly, or the interest of the State, or the public good requires it, which was agreed to.

Mr. Hill of Harris moved further to amend the report by adding the following section to said bill:

*Be it further enacted,* That the stockholders shall be jointly and severally liable for all the debts of the bank, nor shall the debts to and from the bank cease or determine upon the dissolution of the corporation or forfeiture of this charter, nor shall the bank or corporation plead the statute of limitations until 20 years after the forfeiture of said charter, or the dissolution of the corporation, nor shall this charter be sold or otherwise disposed of to any person or persons not residing in this State at the time of the sale, and such sale thereof shall work a forfeiture of this charter, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

And on motion of Mr. Billups, the same was ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. Young of Union, Mr. Shropshire was added to the committee on journals.

The following bills of the House of Representatives were taken up and severally read the first time.

A bill to be entitled an act to appropriate money for the completion of the State lunatic asylum, and for other purposes therein mentioned.

Also, a bill to be entitled an act to allow justices of the peace in the several counties of this State to hold their courts two days in every month.

Also, a bill to be entitled an act to amend an act entitled an act to establish and regulate the inspection of flour, approved Nov. 22d, 1814, so far as the same relates to the city of Savannah.

Also, a bill to be entitled an act, approved 27th February 1856, to compensate the grand and petit jurors of the county of Decatur.

Also, a bill to be entitled an act to give the election of county treasurer of the counties of Wilcox and Coffee to the legal voters of said counties.

Also, a bill to be entitled an act to exempt the mail guards employed on the Georgia Railroad, whose duty it is to accompany the mail agents on said road in the discharge of their duties, from jury duty.

Also, a bill to be entitled an act to authorize James L. D

Perryman of the county of Terrell to practice medicine, and charge and collect for the same.

Also, a bill to be entitled an act to incorporate the town of Moultrie in the county of Colquitt, and to add an additional section to an act incorporating the town of Lithonia, in DeKalb county, assented to March 5th, 1856, also to amend the charter incorporating the city of West Point, and for other purposes.

Also, a bill to be entitled an act to change the residences of Randolph Singletary, Sr., Randolph Singletary, Jr., Martin Singletary, and Edward J. Singletary, from the county of Clay to the county of Randolph.

Also a bill to be entitled an act to authorize the Inferior Court of White county to levy an extra tax, and for other purposes therein mentioned.

Also, a bill to be entitled an act to regulate the sessions of the Courts of Ordinary in the county of Glynn.

Also, a bill to be entitled an act to incorporate the town of Douglass in the county of Coffee, to appoint commissioners for the same and to confer certain powers upon said commissioners.

The following bills of the House of Representatives were taken up and severally read the second time:

A bill to be entitled an act to repeal all laws and parts of laws authorizing lotteries in the State of Georgia, and for other purposes.

Also, a bill to be entitled an act to incorporate the Yahoola River and Cane Creek Hydraulic Hose Mining company.

Also, a bill to be entitled an act to amend the several laws in relation to the Georgia Asylum for the Deaf and Dumb, to change the name of the same, to define the duties of the Principal, to appoint trustees for the same, and for other purposes therein named.

Also, a bill to be entitled an act to abolish imprisonment for debt on certain conditions herein mentioned, and for other purposes.

Also, a bill to be entitled an act for the relief of John Needham Massey, otherwise called John Needham Massey Sneed, otherwise called John Needham Warren Massey, a minor and orphan of Needham W Massey, deceased, and for other purposes therein mentioned.

Also, a bill to be entitled an act to add an additional section to the penal code.

Also, a bill to be entitled an act to define the lines between the counties of Schley, Sumter and Macon, to change the line between the counties of Irwin and Wilcox, the counties of Coweta and Heard, between the counties of Colquitt and Thomas, between the counties of Carroll and Haralson, and between the counties of Greene and Talliaferro.

Also, a bill to be entitled an act to incorporate Relief Fire

Company No. 2 in the town of Athens, and extend the same privileges to Clinch Fire Company of Augusta No. 2.

Also, a bill to be entitled an act to appropriate money for the repairs of the Penitentiary, and to erect additional buildings to the same for the security and accommodation of the convicts.

Also, a bill to be entitled an act to alter and amend the eighth section of the fourth division of the penal code of this State.

Also, a bill to be entitled an act to incorporate the Cotton Planter's Convention of the State of Georgia.

Also, a bill to protect the citizens of Wilcox and Irwin counties from the injurious consequences of camp hunting by non-residents.

Also, a bill to be entitled an act to amend the first section of the third article of the Constitution of the State of Georgia.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the county line between Fulton and Fayette counties.

Mr. Fambro moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to add lot 619 in the 7th district formerly Baldwin now Twiggs, to Bibb county.

The committee on New Counties and County Lines offered the following bill as a substitute for the original:

A bill to be entitled an act for the relief of Elisha Davis, which was adopted in lieu of the original.

The report as amended was then agreed to, the bill was read the third time and passed.

On motion of Mr. Stubbs the same was ordered to be forthwith transmitted to the House of Representatives.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to add lot of land No. 18 in the 7th district originally Baldwin now Jones to the county of Twiggs.

Mr. Griffin of Twiggs moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the manner of the election of Treasurer and Marshall of the town of Dawson.

The report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk:



*Mr. President :—*The House has passed the following bill of the Senate. to-wit :

A bill to be entitled an act to pardon Burton A. Brooks, of the county of Harris, now under sentence of death for the crime of murder.

The House has also concurred in the amendment of the Senate to the bill to be entitled an act to provide for the codification of the laws of Georgia.

The House has also concurred in all the amendments of the Senate to the bill to be entitled an act to appropriate money for the support of the government, &c., &c., except as follows :

They disagree to the amendment of the Senate increasing the salary of the Superintendent of the Lunatic Asylum.

They disagree to the amendment increasing the salary of the State Librarian.

They disagree to the amendment giving extra pay to the Assistant Secretary of the Senate and Assistant Clerk of the House.

They disagree to the amendment relative to paying four lost coupons on the State of Georgia belonging to the Bank of Fulton.

They also disagree to the amendment relative to paying the Senate Committee and Secretary for examining the Western and Atlantic Railroad.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to make legal the issuing of certain grants to lands, &c.

Mr. Stubbs moved to amend the report by adding the following proviso to said bill :

Provided satisfactory evidence is furnished to his Excellency the Governor, by due proof that the parties making application is equally and fully entitled to the grant for the lot of land described in the foregoing act, which was agreed to.

Mr. Harris of Worth, moved to lay the report on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to explain an act entitled an act to amend an act to exempt from levy and sale under execution property therein mentioned.

And on motion of Mr. Stubbs the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to extend the jurisdiction of Justices Courts in certain cases therein named, and provide the mode of trial for the same.

Mr. Stubbs moved to amend the report by making the bill applicable only to Lumpkin county, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to compel parties plaintiff in certain actions to give bond and security to defendants, and to authorize defendants to recover damages upon said bond in certain cases.

And on motion of Mr. Stubbs the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the issuing of attachments and bail process in certain criminal cases.

And on motion of Mr. Harris of Worth, the report was laid on the table for the balance of the session.

Mr. Paine from the Committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following act to-wit:

An act to provide for the codification of the laws of Georgia.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the 20th section of an act to carry into effect the amended constitution of this State in reference to the Ordinaries of said State, and for other purposes, assented to Jan. 21st, 1852.

Mr. Smith of Hancock, moved to amend the report by making said bill applicable only to the counties of Hancock, Harris and Clarke, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal the third and fifth sections of an act assented to Dec. 16th, 1811, entitled an act to amend the charter of the University of Georgia.

And on motion of Mr. Harris of Worth, the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act passed Dec. 22d, 1834.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to make valid all deeds of conveyance made and executed by deputy sheriffs in this State, and for other purposes therein named.

And on motion of Mr. Stubbs the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the name of the fund appropriated by the State of Georgia to educational purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the currency of the State of Georgia, and for other purposes therein named.

The report was agreed to, the bill was read the third time and upon the question shall this bill now pass? Mr. Fain required the yeas and nays, which being recorded were yeas 24, nays 72.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Gholston,	Shropshire.
Banks,	Harris of Worth,	Stiles,
Bloodworth of Pike,	Hill of Harris,	Stokes,
Bozeman,	Holcombe,	Treadwell
Browning,	McDuffie,	Tucker,
Collier,	McGuire,	Young, of Irwin,
Colquitt,	Mounger,	Young of Union.
Fain,	Riley of Taylor,	

Those who voted in the negative are Messrs :

Adams of Elbert,	Fields,	Paine,
Arnett,	Gibson,	Price,
Arnold,	Gordon,	Quillian,
Atkinson,	Graham,	Reynolds,
Ashley,	Hart,	Roberts,
Beall,	Harris of Walton,	Robinson of Talbot,
Bennett,	Hays,	Riley of Lumpkin,
Billups,	Hill of Sumter,	Spalding,
Bloodworth of Carroll,	Hill of Troup,	Smith of Hancock,
	Hixon,	Staten,
Briscoe.	Jamison,	Strickland,
Brown,	Jarrard,	Stubbs,
Bryan,	Johnson of Fayette,	Sutton,
Bullard,	Johnson of Paulding,	Thomas,
Bush,		Turner,
Byrd,	Jossey,	Walker,
Carlton,	Knox,	Ward,
Cooper,	Lockheart,	Warthen,
Cone,	Mattox,	West,

Cumbie,	Matthews,	Westbrooks,
Darden,	McConnell,	Wilcher,
Donaldson	McDonald,	Williams of Berrien,
Drake,	McRea,	Williams of Terrell,
Fambro,	Neal,	Williams of White,
Felton,	Overstreet,	

So the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the 14th section of an act entitled an act to carry into effect the amended Constitution of this State in reference to the Ordinaries of said State, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to compel all banking companies in this State to redeem all bills put in circulation at any agency, to redeem said circulation at said agency.

The Committee on Banks offered the following bill as a substitute for the original :

A bill to be entitled an act to compel the agencies of foreign banks in this State to redeem their circulation in specie.

Mr. Hill of Sumter moved to lay the report and substitute on the table for the balance of the session.

Upon which Mr. West called the previous question, which being seconded, the main question was ordered to be put. The main question was put, which was the motion to lay on the table for the balance of the session.

Upon agreeing to which motion, Mr. Stubbs required the yeas and nays, which being recorded, were yeas 37, nays 48.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Hill of Sumter,	Shropshire,
Akins,	Holcombe,	Stokes,
Arnold,	Jamison,	Strickland,
Beall,	Jarrard,	Thomas,
Bloodworth of Car-	Johnson of Fayette,	Tucker,
roll,	Jossey,	Warthen,
Brown,	Knox,	West,
Bush,	Lockheart,	Whitaker,
Collier,	Matthews,	Williams of Berrien,
Colquitt,	McDuffie,	Williams of Terrell,
Fields,	Price,	Williams of White,
Gorden,	Quillian,	Young of Union,
Graham,	Riley of Taylor,	

Those who voted in the negative are Messrs:

Adams of Elbert,	Gholston,	Mounger,
Arnett,	Gibson,	Neal,
Atkinson,	Griffin of Twiggs,	Overstreet,
Banks,	Hart,	Reynolds,
Bloodworth of Pike,	Harris of Walton,	Robinson of Talbot,
Bozeman,	Harris of Worth,	Spalding,
Browning,	Hays,	Smith of Hancock,
Bryan,	Hill, of Harris,	Staten,
Byrd,	Hill of Troup,	Stiles,
Carlton,	Hixon,	Stubbs,
Cone,	Johnson of Pauld-	Sutton,
Darden,	ing,	Turner,
Donaldson,	Mattox,	Walker,
Drake,	McConnell,	Ward,
Fain,	McDonald,	Wilcoxson,
Fambro,	McGuire,	Young of Irwin,
Felton,	McRea,	

So the motion to lay on the table for the balance of the session did not prevail.

Mr. Fambro moved to disagree to the report of the committee on banks, which was agreed to, and the substitute was lost.

Mr. Fambro moved to amend the report by making the bill applicable to all banks establishing Agencies in this State, whether the mother bank is in or out of the State, which was agreed to.

Mr. Gibson moved to amend the report by adding the substitute of the committee on banks as additional sections to the bill.

Upon which a question of order was raised and the Hon. John A. Tucker, Senator from the county of Stewart in the chair decided that inasmuch as the subject matter of the substitute had been acted upon and rejected it could not be entertained by the Senate without a two-third vote, and the motion was out of order.

Mr. McConnell moved to take up the substitute which had been lost, by a two-third vote, which was lost.

Mr. Strickland called the previous question which being seconded, the main question was ordered to be put, the main question was then put, which was on agreeing to the report as amended, and the report as amended was agreed to.

Upon the passage of the bill Mr. Gibson rose to debate the same,

Mr. Harris of Worth raised a point of order, and Hon. Mr. Tucker, being in the chair, decided that the previous question cut off debate on agreeing to the report of the committee of the whole, which question having being put and carried the

previous question was exhausted, and that the question now before the Senate is debatable.

From which decision Mr. Thomas appealed, the President took the chair, and upon the question shall the decision of the chair stand as the judgment of the Senate?

Mr. Spaulding required the yeas and nays which being recorded were yeas 44 nays 45.

Those who voted in the affirmative are Messrs :

Arnold,	Gibson,	Overstreet,
Atkinson,	Griffin of Twiggs,	Reid,
Ashley,	Hart,	Robinson of Talbot,
Bartlett,	Hays,	Riley of Lumpkin,
Beall,	Hill of Harris,	Spalding,
Bloodworth of Pike,	Hixon,	Stubbs,
Briscoe,	Jamison,	Sutton,
Bryan,	Jarrard,	Tucker,
Carlton,	Johnson of Pauld-	Turner,
Cooper,	ing,	Walker,
Darden,	Matthews,	Warthen,
Drake,	McConnell,	Wilcoxson,
Fain,	McRea,	Williams of Terrell,
Fambro,	Mounger,	Williams of White,
Gholston,		

Those who voted in the negative are Messrs.

Adams of Rabun,	Harris of Walton,	Roberts,
Akins,	Harris of Worth,	Riley, of Taylor,
Bennett,	Hill, of Sumter,	Shropshire,
Billups,	Holcombe,	Smith of Hancock.
Bloodworth of Car-	Johnson of Fayette,	Staten,
roll,	Jossey,	Stokes,
Bozeman,	Knox,	Strickland,
Collier,	Lockheart,	Thomas,
Colquitt,	Mattox,	Treadwell,
Donaldson,	McDonald,	West,
Felton,	McGuire,	Wilcher,
Fields,	Price,	Williams of Berrien,
Gordon,	Quillian,	Young of Irwin,
Graham,	Reynolds,	Young of Union,

So the decision of the chair was not made the judgment of the Senate.

And upon the question, shall this bill now pass? Mr. Fain required, the yeas and nays, which being recorded were yeas 27, nays 59.

Those who voted in the affirmative were Messrs :

Bartlett,	Gholston,	McDonald,
Beall,	Gibson,	McGuire,
Bozeman,	Gordon,	McRea,
Brown,	Griffin of Twiggs,	Mounger,
Byrd,	Harris of Worth,	Roberts,
Donaldson,	Hill, of Harris,	Riley of Taylor,
Drake,	Hixon,	Strickland,
Felton,	Mattox,	Turner,
Fields,	McConnell,	Walker,

Those who voted in the negative were Messrs :

Adams of Rabun,	Harris of Walton,	Shropshire,
Akins,	Hays,	Spalding,
Arnold,	Hill of Sumter,	Smith of Hancock,
Atkinson,	Hill of Troup,	Staten,
Ashley,	Holcombe,	Stokes,
Bennett,	Jamison,	Stubbs,
Bloodworth of Car-	Jarrard,	Sutton,
roll,	Johnson of Fayette,	Thomas,
Bloodworth of Pike	Johnson of Pauld-	Treadwell,
Briscoe,	ing,	Tucker,
Browning,	Jossey,	Ward,
Bryan,	Knox,	Warthen,
Bush,	Matthews,	West,
Carlton,	McGuire,	Wilcher,
Castleberry	Price,	Wilcoxson,
Collier,	Quillian,	Williams of Berrien,
Colquitt,	Reid,	Williams of Terrell,
Darden,	Reynolds,	Williams of White,
Fain,	Robinson, of Talbot,	Young of Irwin,
Graham,	Riley of Lumpkin,	Young of Union,
Hart,		

So the bill was lost.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

*THURSDAY, DECEMBER 9th, 1858.*

9 O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Whitaker moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to change the county line between Fulton and Fayette counties, was laid on the table for the balance of the session, which motion was agreed to.

Mr. Paine, from the Committee on Enrollment, reports as duly enrolled and ready for the signature of the President of the Senate,

An act to pardon Burton A. Brooks, of the county of Harris, now under sentence of death, for the crime of murder.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk:

*Mr. President* :—The House has passed the following bill to-wit :

A bill to be entitled an act to impose additional penalties upon the banks of this State, so as to compel them to comply with the requisitions of an act entitled an act to provide against the forfeiture of the several bank charters in this State on account of non-specie payment for a given time, and for other purposes therein mentioned, passed by a constitutional majority at the last session over the executive veto.

Mr. Stubbs moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to amend the claims law of this State was laid on the table for the balance of the session, which was lost.

Mr. Spalding moved to reconsider so much of the journal as relates to the vote by which the decision of the Chair that the previous question called before the report of the committee of the whole was agreed to, operated only upon the motion to agree to the report, was not made the judgment of the Senate.

Upon agreeing to which motion Mr. Bloodworth of Pike required the yeas and nays, which being recorded were yeas 67, nays 38.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Gholston,	Overstreet,
Arnold,	Gibson,	Pope,
Ashley,	Griffin of Calhoun,	Price,
Bartlett,	Griffin of Twiggs,	Reid,
Beall,	Hammond,	Reynolds,
Bennett,	Hart,	Robinson of Lau-
Bloodworth of Pike,	Harris of Walton,	rens,



Briscoe,	Hays,	Robinson of Talbot,
Browning,	Hill of Harris,	Riley of Lumpkin,
Bryan.	Hill of Sumter,	Slaughter,
Bullard,	Hixon,	Spalding,
Carlton,	Jamison,	Smith of Hancock,
Castleberry,	Jarrard,	Stubbs,
Cochran,	Johnson of Paulding	Sutton,
Collier,	Lockheart,	Tucker,
Cooper,	Mallard,	Turner,
Cone,	Matthews,	Walker,
Crowder	McConnell,	Ward,
Cumbie,	McDuffie,	Warthen,
Dawson,	McRea,	Webb,
Darden,	Morell,	Wilcoxson,
Fain,	Mounger,	Williams of Terrell,
Fambro,	Neal,	

Those who voted in the negative, are Messrs.

Adams of Rabun,	Gordon,	Staten,
Atkinson,	Graham,	Stokes,
Billups,	Harris of Worth,	Strickland,
Bloodworth of Car-	Hill of Troup,	Tate,
roll,	Holcombe,	Thomas,
Bozeman,	Knox,	Treadwell,
Brown,	Mattox,	West,
Bush,	McDonald,	Whitaker,
Byrd,	Quillian,	Wilcher,
Colquitt,	Roberts,	Williams of Berrien,
Donaldson,	Riley of Taylor,	Williams of White,
Felton.	Shropshire,	Young of Irwin,
Fields,	Smith of Jefferson,	Young of Union.

So the motion to reconsider prevailed.

Mr. Gibson moved to reconsider so much of the journal of yesterday as relates to the vote by which

A bill to be entitled an act to compel all banking companies in this State to redeem all bills put in circulation at any agency, to redeem said circulation at said agency, was lost, which motion was lost.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk :

*Mr. President* :—The House has passed the following bills of the Senate,

A bill to be entitled an act to repeal an act to prohibit non-residents from hunting, ducking and fishing within the limits of the State of Georgia,

A bill to be entitled an act for the relief of Mary Frances Nunar.

A bill to be entitled an act to alter and amend the laws of

this State in relation to notices to be given by insolvents to their creditors.

A bill to be entitled an act to alter the road laws of Camden county.

A bill to be entitled an act to authorize Charles A. Egerton to peddle without license for the same.

A bill to be entitled an act for the relief of Lawson Cody of Chattahoochee county, and Emily Shaw of Walker county, with certain amendments.

A bill to be entitled an act to incorporate the Presbyterian Church of Wathourville in Liberty county, with an amendment.

A bill to be entitled an act to change the line between the counties of Coffee and Irwin, with an amendment.

A bill to be entitled an act to require the Justices of the Peace of the several districts of the county of Dawson, to make additional returns of poor children between the ages of six and eighteen, in their districts, for the year 1858.

A bill to be entitled an act to collect interest on open accounts in this State, after they are due, and to fix the time when they shall fall due, when the same is not agreed upon by the parties.

A bill to be entitled an act to change the line between the counties of DeKalb and Henry.

Also a bill to be entitled an act to authorize the Justices of the Peace in any militia district in this State to adjourn their Courts from day to day, or to hold Court two or more days in each month whenever the business of any of their Courts require it.

On motion of Mr. Thomas leave of absence was granted to the Secretary of the Senate for the balance of the day on account of an affection of the throat, and it was resolved that Charles J. Harris be made Secretary pro tempore of the Senate during his leave of absence.

The following message was received from the House of Representatives by Mr. Shropshire their clerk:—

*Mr. President:*—The House has passed the following bills, to wit:

A bill to be entitled an act to amend the laws in regard to defaulting tax payers, and to prescribe the duty of Tax Collectors in such cases; to change the oaths of Tax Collectors; to tax the managers of lotteries in this State, &c. &c.

A bill to be entitled an act for the pardon of Benjamin Knight now confined in the Penitentiary.

The House has also passed the following bills of the Senate, to wit:

A bill to change the time of holding the Inferior Court of the county of Clinch.

A bill to be entitled an act to incorporate Washington Institute, a high school organized by an association of Baptist

churches known as the Washington Association, and located in Hancock county, and incorporate trustees for the same, with an amendment.

A bill to be entitled an act to incorporate a corps of infantry in the town of Fort Valley, and to confer certain privileges upon the same, with an amendment.

Also, a bill to incorporate the town of Hawkinsville in Pulaski county, provide for the election of commissioners for the same, and for other purposes, with an amendment.

The Senate took up as the special order of the day, the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt, and to provide for the education of the children of the several counties of the State.

On motion of Mr. Paine the motion was taken up by sections.

The committee on Public Education moved to amend the report by inserting in the caption of said bill after the word "debt" the words "and the interest thereon," which was agreed to.

The first section being read,

Mr. Whitaker offered the following as a substitute for the first section.

*Be it enacted,* That two hundred thousand dollars of the net earnings of the Western and Atlantic Railroad be set apart for common school purposes to be distributed equally to the counties according to the number of children between the ages of six and sixteen years.

Mr. Strickland moved to amend the amendment by striking out the words "two hundred thousand dollars" and by inserting in lieu thereof the words "one hundred and seventy-five thousand dollars, which was lost.

Upon the adoption of the substitute Mr. Strickland required the yeas and nays, which being recorded were yeas 60, nays 50.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Griffin of Calhoun,	Riley of Lumpkin,
Atkinson,	Hammond,	Riley of Taylor,
Ashley,	Harris, of Walton,	Saten,
Bloodworth of Car-	Harris of Worth,	Stiles,
roll,	Holcombe,	Stowers,
Bloodworth of Pike,	Jamison,	Strickland,
Bozeman,	Jarrard,	Sutton,
Browning,	Johnson of Paulding,	Tate,
Buckner,	Jessey,	Thomas,
Byrd,	Knox,	Treadwell,
Cochran,	Mattox,	Webb,

Collier,	McDonald,	Westbrooks,
Cooper,	McGuire,	Whitaker
Cone,	McRea,	Wilcher,
Cumbe,	Mounger,	Williams of Berrien.
Darden,	Neal,	Williams of Terrell,
Fain,	Overstreet,	Williams of White.
Fields,	Paine,	Young of Irwin,
Gholston,	Price,	Young of Union,
Gibson,	Quillian,	
Graham.	Roberts,	

Those who voted in the negative are Messrs:

Adams of Elbert,	Drake,	Reynolds,
Akins,	Fambro,	Robinson, of Laur-
Arnett,	Felton,	ens.
Arnold,	Gordon,	Robinson of Talbot.
Banks,	Gresham,	Shepherd,
Bartlett,	Griffin of Twiggs.	Slaughter,
Beall,	Hart	Spalding,
Bennett,	Hays,	Smith of Hancock,
Briscoe,	Hill of Troup,	Stokes,
Brown,	Hixon,	Stubbs,
Bush,	Lockheart,	Tucker,
Carlton.	Mallard,	Turner,
Castleberry.	Matthews,	Walker,
Colquitt,	McConnell,	Ward,
Crowder,	Morell,	Warthen,
Dawson,	Pope,	West,
Donaldson.	Reid,	Wilcoxson.

So the substitute was adopted in lieu of the first section.

The first section was then agreed to.

The second section being read, the committee on public education and free schools moved to amend the second section by inserting after the word "thereof," the words "semi-annually on the first Monday in January and July in each year," which was agreed to.

Mr. McDonald offered the following as a substitute for the same.

*And be it further enacted,* That the fund shall be distributed to the different counties of this State, in proportion to the number of free white children in each county, between the ages of six and sixteen years; and at the election for county officers to be held on the first Monday in January next, and bi-annually thereafter, there shall be elected three school commissioners in each county, by persons authorized to vote for county officers, who shall have authority to prescribe such rules and regulations as to the examination and appointment of teachers; the rates of tuition to be paid out of their fund, location of school houses, as they may deem expedient and just, and pass upon the accounts of teachers, and draw upon

the treasurer for such amounts as they may allow. And the Ordinary of each county, on giving security in double the amount of money placed in his hands, is hereby constituted treasurer for the school fund of his county. And the Governor shall draw his warrant in favor of such treasurer, for the amount appropriated to such county. And in the event of a vacancy of one or more commissioners, by failing to elect or from any other cause, a majority of the Justices of the Inferior Court of the county where such vacancy may occur, may appoint a commissioner or commissioners to supply such vacancy, and the treasurer may receive and retain one and a fourth per cent on all sums received by him, and a like per cent on all sums paid out by him, as a compensation for his services. Provided, That no part of said fund shall be used for any purpose other than paying teachers for tuition in spelling, reading, writing, arithmetic, geography and English grammar. And provided further, That no teacher shall receive any portion of said fund for any tuition rendered, before he obtains a certificate from all of said commissioner that he is well qualified to teach the branches herein named, and is of good moral character. And said commissioners shall, before they enter upon the duties of their offices, take and subscribe the following oath before some magistrate authorized to administer the same:

I do solemnly swear that I will faithfully and impartially perform the duties of school commissioner for the county of \_\_\_\_\_, to the best of my skill and ability, so help me God. Which was lost.

Mr. Wilcoxson offered the following as a substitute for the second section:

*And be it enacted*, That the balance of the net earning of the State road be appropriated to the payment of the interest of the public debt, and the State bonds as they fall due, which was lost.

Mr. Mallard moved further to amend the second section by striking out the words "balance of the net earnings of the State road," and by inserting in lieu thereof the words "the two hundred thousand dollars set apart in the first section of this act," which was agreed to.

The second section was then agreed to.

The third section being read the same was agreed to.

The fourth section being read, Mr. Strickland moved to strike out so much of said section as relates to the balance of the net earnings of the Western and Atlantic Railroad, which was lost.

Mr. Mallard moved to amend the fourth section by striking out the words "net earnings of the Western and Atlantic Railroad," and by inserting in lieu thereof the words "the said fund," which was agreed to.

The fourth section as amended was then agreed to.

The fifth section being read, Mr. Fambro moved to amend the same by adding the following proviso thereto :

Provided, That no county shall be entitled to any of said school fund, except such counties as shall levy and collect a tax of not less than fifteen per cent on their State tax for educational purposes.

Upon agreeing to which motion, the yeas and nays were required to be recorded, and were, yeas 50, nays 60.

Those who voted in the affirmative are Messrs :

Akins,	Felton,	Reid,
Arnett,	Gibson,	Reynolds,
Arnold,	Gordon,	Robinson of Lau-
Atkinson,	Graham,	rens,
Bartlett,	Gresham,	Robinson of Talbot
Beall,	Hart,	Shepherd,
Billups,	Harris of Worth,	Slaughter,
Briscoe,	Hays,	Spaulding,
Brown,	Hill of Sumter,	Smith of Hancock
Bullard,	Hill of Troup,	Staten,
Carlton,	Lockheart,	Stiles,
Collier,	Mallard,	Stokes,
Colquitt,	Matthews,	Tison,
Crowder,	McConnell,	Ward,
Dawson,	McDonald,	Warthen,
Drake,	Morell,	Wilcoxson,
Fambro,	Pope,	Williams of White,

Those voting in the negative are Messrs :

Adams of Elbert,	Griffin of Calhoun,	Shropshire,
Adams of Rabun,	Griffin of Twiggs,	Stowers,
Ashley,	Harris of Walton,	Strickland,
Banks,	Hixon,	Stubbs,
Bennett,	Holcombe,	Sutton,
Bloodworth of Car-	Jarrard,	Tate,
roll,	Johnson of Fayette,	Thomas,
Bloodworth of Pike,	Johnson of Pa'lding,	Treadwell,
Bozeman,	Jossey,	Turner,
Browning,	Knox,	Walker,
Bryan,	Mattox,	Webb,
Bush,	McGuire,	West,
Byrd,	McRea,	Westbrooks,
Cochran,	Neal,	Whitaker,
Cooper,	Overstreet,	Wilcher,
Cumbe,	Paine,	Williams of Ber-
Darden,	Price,	rien,
Donaldson,	Quillian,	Williams of Terrell,
Fain,	Roberts,	Young of Irwin,
Fields,	Riley, of Lumpkin	Young, of Union,
Gholston,	Riley of Taylor,	

So the motion was lost.

Mr. Ward moved to amend the fifth section by striking out all the words therein after the words "said county," and by inserting in lieu thereof, the following words:

And that the Ordinaries of the several counties of this State, shall make out and present to the grand juries at the Spring Terms of the Superior Courts, a full account current of all receipts and expenditures, stating items and amount left over from the previous year or years; said Ordinaries shall receive one and a half per cent for their services, shall make oath to the truth of their said accounts, a false oath therein shall be punished as perjury; which was agreed to.

Mr. Cooper moved further to amend the fifth section by striking out the words "Ordinary of each county shall be the Treasurer of said fund, and shall give," and by inserting in lieu thereof, the words "And the grand jury shall elect the Treasurer of said fund who shall" which was lost.

The committee on public education moved to amend the fifth section, by inserting after the word "bond" in said section, the words "to the Justices of the Inferior Court," which was agreed to.

The fifth section as amended was then agreed to.

The committee on public education, moved to amend the report, by adding the following section thereto:

*And be it further enacted,* That the Governor be, and he is hereby authorized to draw his warrant on the treasury for such sum as may be in the treasury subject to distribution under this act in favor of the Ordinary of each county, on the first Monday in January and July in each year, provided said Ordinary shall have furnished the Governor with the number of poor children in his county, between the ages aforesaid, the number taught the elementary branches of an English education, and all the facts and statistics which the Governor may require by circulars to the Ordinaries of the several counties; which was agreed to.

Mr. Smith of Hancock, moved further to amend the report by adding the following as a section to said bill.

*Be it further enacted,* That all children that are taught outside of the county in which the child or children reside, the tuition of said child or children shall be paid out of the school funds of the county in which said child or children reside; which was agreed to.

Mr. Jossey moved further to amend the report by adding the following as a section to said bill:

*Be it further enacted,* That the proportion of fund to which the counties of Spalding and Pulaski may be entitled under the provisions of this act, shall be used and expended by three school commissioners to be appointed by the Inferior Courts of said counties, according to the plan said commissioners may devise; said commissioners shall hold their

office for the term of one year and shall receive such compensation as the Inferior Courts of said counties may deem proper; which was lost.

Mr. Paine from the Committee on Enrollment, reports as duly enrolled and ready for the signature of the President of the Senate.

An act to require the Justices of the Peace of the several districts of the county of Dawson, to make additional returns of poor children between the ages of six and eighteen in their districts for the year 1858

Also, an act to alter the road laws of Camden county.

Also, an act to authorize Charles A. Egerton, to peddle without paying license for the same.

Also, an act to repeal an act to prohibit, non-residents from hunting, ducking, and fishing, within the limits of the State of Georgia.

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk:

*Mr. President.*—The House has passed the following bills of the Senate, to-wit:

A bill to be entitled an act to amend the act to change and simplify the practice and pleadings in this State, approved, February 20th, 1854.

A bill to be entitled an act to allow the Justices of the Inferior Court of Dade county to levy and collect a poor tax, not to exceed twenty per cent on the general tax.

Also, a bill to make legal and valid the acts of George H. Harris, of the State of Mississippi as executor of Jephtha V. Harris, and for other purposes.

The following message was received from the House of Representatives, by Mr. Shropshire, their Clerk:

*Mr. President:*—The House has passed the following bill of the Senate, to-wit:

A bill to be entitled an act to confer certain rights and powers on the Justices of the Inferior Court of the county of Lincoln.

A bill to be entitled an act to declare the true intent and meaning of an act entitled an act to authorize the Justices of the Court of the county of Gwinnet, to levy an extra tax to pay for the erection of a new Court House in said county, approved March 1st, 1856, and to amend the caption of said act, and for other purposes.

A bill to be entitled an act for the relief of Loved Bryan of Stewart county.

A bill to be entitled an act to amend an act to incorporate the city of Americus.

A bill to be entitled an act to incorporate the "Washington Rifles" and to grant unto them certain privileges.

A bill to be entitled an act to change the line between the



counties of Wayne and Glynn, so as to include the residence of James Stafford in the county of Wayne.

The hour for adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

#### AFTERNOON SESSION.

3 O'CLOCK, P. M.

The Senate met according to adjournment.

And resumed the consideration of the unfinished business of the morning, which was the report of the committee of the whole, on a bill of the House of Representatives to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt, and to provide for the education of the children in the several counties of the State.

Mr. Stiles moved further to amend the report by adding the following sections to said bill.

*And be it further enacted*, By the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, that for the arrangement, supervision and improvement of such schools as may be supported in any manner out of appropriations, from the Treasury of the State or out of taxes specifically levied upon the counties for the purpose of education, the Governor shall appoint an officer to be called a commissioner of public schools, who shall hold his office for two years, and until his successor is appointed, and who shall receive from the Treasury of the State as a compensation for his services twenty-five hundred dollars a year, payable quarterly, together with his traveling expenses.

SEC. 2d. *And be it further enacted by the authority aforesaid*, That the commissioner of public schools is authorized, and it is hereby made his duty for the first two years of his incumbency, to visit as far as practicable the various counties of the State, in such order as he may deem expedient, and investigate their wants in the matter of education, and digest the same for the information and action of the next Legislature.

SEC 3d. *And be it further enacted by the authority aforesaid*, That in preparation of this Digest, it shall be the duty of the commissioner of public schools to ascertain if any one plan can be made available for the entire State, and if not to

group and classify counties of the State under various schedules, according to their respective wants, and to suggest the plans of education best adapted to each of these schedules, as well as the most suitable county organizations for carrying said plans into effect.

SEC. 4th, *And be it further enacted by the authority aforesaid*, That it shall further be the duty of the commissioner of public schools, during the progress of this investigation, to diffuse as widely as possible, by public addresses, a knowledge of the defects and desirable improvements in the present system and government of schools in this State, and to arouse the people to a sense of the importance of a more efficient diffusion of education throughout the State.

SEC. 5th, *And be it further enacted by the authority aforesaid*, That it shall be furthermore the duty of the commissioner of public schools to report upon the propriety and expediency of establishing one or more thoroughly organized normal schools.

Upon agreeing to which motion Mr. Spaulding required the yeas and nays, which being recorded were yeas 43, nays 62.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Fain,	McConnell,
Adams of Rabun,	Fambro,	McGurie,
Arnett,	Felton,	Mounger,
Atkinson,	Gordon,	Neal,
Ashley,	Gresham,	Pope,
Bartlett,	Hart,	Quillian,
Beall,	Hill of Harris,	Robinson of Lau-
Briscoe,	Hill of Sumter,	rens
Browning,	Johnson of Pauld-	Riley of Taylor,
Bryan,	ing,	Spalding,
Carlton,	Jossey,	Smith of Hancock,
Cooper,	Knox,	Stiles,
Cone,	Lockheart,	Thomas,
Crowder,	Mallard,	Ward,
Dawson,	McDonald,	Williams of White,

Those who voted in the negative are Messrs :

Akins,	Griffin or Calhoun,	Shropshire,
Arnold,	Griffin of Twiggs,	Staten,
Banks,	Harris of Walton,	Stowers,
Bennett,	Harris of Worth,	Strickland,
Bloodworth of Car-	Hays,	Stubbs,
roll,	Hixon,	Sutton.
Bloodworth of Pike,	Holcombe,	Tate,
Brown,	Jamison,	Tison,
Bullard,	Jarrard,	Treadwell,

Bush,	Mattox,	Turner,
Byrd,	Matthews,	Walker,
Castleberry,	McRea,	West,
Cochran,	Morell,	Westbrooks,
Collier,	Overstreet,	Whitaker
Colquitt,	Paine	Wilcher,
Cumbie,	Price,	Wilcoxson,
Darden,		
Donaldson,	Reid,	Williams of Berrien,
Fields,	Reynolds,	Williams of Terrell,
Gholston,	Robinson of Talbot,	Young of Irwin,
Gibson,	Riley of Lumpkin,	Young of Union.
Graham,	Roberts,	

So the motion was lost.

Mr. Carlton called for the previous question, and upon the question will the Senate second the call for the previous question, Mr. Bloodworth of Pike required the yeas and nays which being recorded were yeas 71 nays 27.

Those who voted in the affirmative, are Messrs.

Adams of Elbert,	Harris of Walton,	Slaughter,
Adams of Rabun,	Harris of Worth,	Spalding,
Akins,	Hays,	Smith of Hancock,
Arnett,	Hill of Troup,	Staten,
Bennett,	Hixon,	Stokes,
Brown,	Holcombe,	Stowers,
Bullard,	Jossey,	Strickland,
Bush,	Knox,	Stubbs,
Byrd,	Lockheart,	Sutton,
Carlton,	Mattox,	Tate,
Cochran,	McConnell	Thomas,
Colquitt,	McDonald,	Tison,
Crowder,	McGuire,	Treadwell,
Cumbie,	McRea,	Turner,
Darden,	Morell,	Walker,
Fambro,	Mounger,	Webb,
Fields,	Neal,	West,
Gholston,	Overstreet,	Whitaker,
Gibson,	Quillian,	Wilcoxson,
Gordon,	Roberts,	Williams of Berrien,
Graham,	Riley of Lumpkin,	Williams of Terrell,
Gresham,	Robinson of Laurens,	Williams of White,
Griffin of Twiggs,		Young of Irwin,
Hart,	Shropshire,	Young of Union.

Those who voted in the negative are Messrs :

Arnold,	Bryan,	Johnson of Paulding,
Atkinson,	Castleberry,	

Ashley,	Cooper,	Matthews,
Banks,	Cone,	Pope,
Bartlett,	Dawson,	Reynolds,
Beall,	Fain,	Robinson of Talbot,
Bloodworth of Car-	Felton,	Riley of Taylor,
roll,	Griffin of Calhoun,	Ward,
Bloodworth of Pike,	Hill of Sumter,	Westbrooks,
Briscoe,		Wilcher,

So the call for the previous question was seconded.

And the main question was ordered to be put. The main question was then put, which was on agreeing to the report as amended, and the report was agreed to, the bill was read the third time, and upon the question, shall this bill now pass? Mr. Adams of Elbert called for the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was, shall this bill now pass?

Upon which question Mr. Spaulding required the yeas and nays, which being recorded were yeas 79, yeas 32.

These who voted in the affirmative are Messrs.

Adams of Elbert,	Graham,	Paine,
Adams of Rabun,	Griffin of Calhoun,	Price,
Akins,	Hart,	Quillian,
Ashley,	Harris of Walton,	Roberts,
Banks,	Harris, of Worth,	Riley of Lumpkin,
Beall,	Hays,	Riley of Taylor,
Bennett,	Hill of Troup,	Shropshire,
Bloodworth of Car-	Hixon,	Staten,
roll,	Holcombe,	Stiles,
Bloodworth of Pike,	Jamison,	Stowers,
Brown,	Jarrard,	Strickland,
Browning,	Johnson of Pauld-	Stubbs,
Bryan,	ing,	Sutton,
Bullard,	Jossey,	Tate,
Bush,	Knox,	Thomas,
Byrd,	Lockheart,	Treadwell,
Cochran,	Mattox,	Turner,
Collier,	Mallard,	Walker,
Cooper,	Matthews,	Webb,
Cumbie,	McConnell,	Westbrooks,
Darden,	McDonald,	Whitaker,
Donaldson,	McGuire,	Wilcher,
Fain,	McRea,	Williams of Berrien,
Fields,	Morell,	Williams of Terrell,
Gholston,	Mounger,	Williams of White,
Gibson,	Neal,	Young of Irwin,
Gordon,	Overstreet,	Young of Union.

Those who voted in the negative are Messrs :

Arnett,	Dawson,	Robinson of Laurens
Arnold,	Fambro,	Shepherd,
Atkinson,	Felton,	Slaughter,
Bartlett,	Gresham,	Spalding,
Billups,	Hammond,	Smith of Hancock,
Briscoe,	Hill of Harris,	Stokes,
Carlton,	Hill of Sumter,	Tison,
Castleberry,	Pope,	Ward,
Colquitt,	Reid,	West,
Cone,	Reynolds,	Wilcoxon,
Crowder,	Robinson of Talbot,	

So the bill was passed.

Mr. Harris of Worth moved that the foregoing bill be forthwith transmitted to the House of Representatives.

Upon agreeing to which motion Mr. Spaulding required the yeas and nays, which being recorded are yeas 76, nays 33.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Graham,	Paine,
Adams of Rabun,	Griffin of Calhoun,	Price,
Akins,	Griffin of Twiggs,	Quillian,
Ashley,	Hart,	Roberts,
Beall,	Harris of Walton,	Riley of Lumpkin,
Bennett,	Harris of Worth,	Riley, of Taylor,
Bloodworth of Car-	Hays,	Shropshire,
roll,	Hill of Troup,	Staten,
Bloodworth of Pike,	Hixon,	Stiles,
Brown,	Holcombe,	Stowers,
Browning,	Jamison,	Strickland,
Bryan,	Jarrard,	Stubbs,
Bullard,	Johnson of Fayette,	Sutton,
Bush,	Johnson of Pauld-	Tate,
Byrd,	ing,	Treadwell,
Cochran,	Jossey,	Turner,
Collier,	Knox,	Webb,
Cooper,	Mattox,	Westbrooks
Cumbie,	Matthews,	Whitaker,
Darden,	McConnell,	Wilcher,
Donaldson,	McDonald,	Wilcoxon,
Fain,	McGuire,	Williams of Berrier,
Fields,	McRea,	Williams of Terrell,
Gholston,	Morell,	Williams of White,
Gibson,	Neal,	Young of Irwin,
Gordon,	Overstreet,	Young of Union,

Those who voted in the negative are Messrs :

Arnett,	Fambro,	Shepherd
Arnold,	Felton,	Slaughter,

Atkinson,	Gresham,	Spalding,
Banks,	Hammond,	Smith of Hancock,
Bartlett,	Hill of Sumter,	Stokes,
Billups,	Lockheart,	Tison,
Briscoe,	Pope,	Tucker,
Carlton,	Reynolds,	Walker,
Colquitt,	Reid,	Ward,
Cone,	Robinson of Talbot,	West,
Crowder,	Robinson, of Laur-	
Dawson,	ens,	

So the motion prevailed.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk :

*Mr. President* :—The House has passed the following bills of the Senate, to-wit :

A bill to be entitled an act to change the line between the counties of Macon and Sumter, so as to add W. R. Smith of the county of Sumter to the county of Macon, with certain amendments therein mentioned.

Also, a bill to be entitled an act to lay out and organize a new county from the counties of Stewart and Randolph, and for other purposes, with certain amendments therein mentioned.

Mr. Paine, from the committee on enrollment, report as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate, the following act to-wit :

An act to make uniform the decisions of the Supreme Court of this State, to regulate the reversals of the same, and for other purposes.

The following message was received from the Governor, by Mr. McComb his Secretary :

*Mr. President* :—The Governor has assented to, and signed the following acts, to-wit :

An act to require the justices of the peace of the several districts of the county of Dawson to make additional returns of poor children between the ages of six and eighteen in their districts, for the year 1858.

An act to alter the road laws of Camden county.

An act to authorize Charles A. Egerton to peddle without paying license for the same.

An act to repeal an act to prohibit non-residents from hunting, ducking and fishing within the limits of the State of Georgia.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the penal laws of this State in relation to free persons of color and nominal slaves, &c.

The Committee on the Judiciary moved to amend the report by inserting in the first section of said bill after the word "value," the words "of one dollar," and by striking out the word "felonies," in the first section of said bill, and inserting in lieu thereof the word "misdemeanor," which was agreed to.

Mr. Paine moved that the report as amended be laid on the table for the balance of the session.

Mr. Jossey called for the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was the motion to lay the report on the table for the balance of the session.

Upon agreeing to which motion Mr. Spalding required the yeas and nays, which being recorded were yeas 49, nays 59.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Felton,	Reynolds,
Ashley,	Gholston,	Riley of Taylor,
Bennett,	Gordon,	Shropshire.
Bloodworth of Car-	Griffin of Calhoun,	Spalding
roll,	Harris of Worth,	Staten,
Briscoe.	Hays,	Stiles,
Bullard,	Hill of Harris,	Strickland,
Bush,	Hill of Sumter,	Sutton,
Colquitt,	Jamison,	Treadwell
Cooper,	Jarrard,	Ward,
Crowder,	Mallard,	Webb,
Cumbie,	Matthews,	Whitaker,
Dawson,	McConnell,	Wilcher,
Darden,	Mounger,	Williams of Berrien,
Drake,	Paine,	Young, of Irwin,
Fain,	Pope,	Young of Union.
Fambro,	Quillian,	

Those who voted in the negative are Messrs :

Adams of Rabun,	Gresham.	Robinson of Lau-
Akins,	Griffin of Twiggs,	rens
Arnett,	Hart,	Riley of Lumpkin,
Arnold,	Harris of Walton,	Shepherd,
Atkinson,	Hill of Troup,	Slaughter,
Banks,	Holcombe,	Smith of Hancock,
Bartlett,	Johnson of Pauld-	Stokes,
Beall,	ing,	Stubbs,
Bloodworth of Pike,	Jossey,	Tate,
Brown,	Knox,	Thomas,
Browning,	Lockheart,	Tison,
Bryan,	Mattox,	Tucker,
Byrd,	McDonald,	Turner,
Carlton,	McGuire,	Walker,
Castleberry,	McRea,	Warthen,

Collier,	Morell,	West,
Cone,	Neal,	Westbrooks,
Donaldson	Overstreet,	Wilcoxson,
Fields,	Price,	Williams of Terrell,
Gibson,	Reid,	Williams of White,
Graham,	Roberts,	

So the motion to lay the report on the table for the balance of the session did not prevail.

Mr. Stiles moved to amend the report by excepting the county of Chatham from the provisions of the bill.

Pending the consideration of which motion Mr. Thomas moved that the Senate do now adjourn until half past 7 o'clock, P. M., which was agreed to.

And the President adjourned the Senate until half past 7 o'clock, P. M.

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#### EVENING SESSION.

7½ O'CLOCK, P. M.

The Senate met according to adjournment.

The following bills of the House of Representatives were taken up and severally read the first time, to-wit:

A bill to be entitled an act to amend the laws in regard to defaulting tax payers, and to prescribe the duty of tax collectors in such cases; to change the oath of tax collectors; to tax the managers of lotteries in this State, and to prescribe the forfeiture of the venders of lottery tickets in lotteries out of this State, and the manner of collecting the same. The tax on insurance companies out of this State when agencies are established in this State, and where the taxes shall be paid. Duty of Comptroller General in case of failure. Tax on foreign bank agencies established in this State, and duty of Comptroller when they fail to make returns; explains the ad valorem system and what shall be given in for taxation, and prescribes the oath of tax payers. Railroad Companies required to make their returns of taxes to the State Treasurer. Time prescribed and the penalty of failure. The Comptroller General directed to employ other counsel than Attorney General or Solicitors, in certain cases by advice of the Governor, and shall fix the fees. Tax laws to be digested and printed, duty of Governor and Comptroller therein, to be distributed to the receivers and collectors of taxes, their duty prescribed, and their successors in office and their duty.



A bill to be entitled an act to impose additional penalties upon the banks of this State, so as to compel them to comply with the requisitions of an act entitled an act to provide against the forfeiture of the several bank charters in this State on account of non-specie payment for a given time, and for other purposes therein mentioned, passed by a constitutional majority at the last session over the Executive veto.

Also, a bill to be entitled an act for the pardon of Benjamin Knight, now confined in the Penitentiary.

The following bills of the House of Representatives were taken up severally, read the second time, and referred to the committee of the whole.

A bill to be entitled an act to appropriate money for the completion of the State Lunatic Asylum, and for other purposes therein mentioned.

Also, a bill to be entitled an act to amend an act entitled an act to establish and regulate the inspection of flour, approved Nov. 22d, 1814, so far as the same relates to the city of Savannah.

Also, a bill to be entitled an act to allow Justices of the Peace in the several counties of this State to hold their Courts two days in every month.

Also, a bill to be entitled an act to exempt the mail guards employed on the Georgia Railroad, whose duty it is to accompany the mail agents on said road in the discharge of their duties from jury duty.

Also, a bill to be entitled an act to amend an act approved 27th February 1856, or to compensate the Grand and Petit Jurors of the county of Decatur.

Also, a bill to be entitled an act to authorize the Inferior Court of White county to levy an extra tax, and for other purposes therein mentioned.

Also, a bill to be entitled an act to regulate the sessions of the Courts of Ordinary in the county of Glynn.

Also, a bill to be entitled an act to give the election of County Treasurer of the counties of Wilcox and Coffee to the legal voters of said counties.

Also, a bill to be entitled an act to incorporate the town of Douglass in the county of Coffee; to appoint commissioners for the same, and to confer certain powers upon said commissioners.

Also, a bill to be entitled an act to change the residences of Randolph Singletary Sen., Randolph Singletary Jun., Nathan Singletary and Edward J. Singletary from the county of Clay to the county of Randolph.

Also, a bill to be entitled an act to authorize James L. D. Perryman, of the county of Terrell, to practice medicine and charge and collect for the same.

Also, a bill to be entitled an act to incorporate the town of Moultrie in the county of Colquitt, and to add an addi-

tional section to an act incorporating the town of Lithonia in DeKalb county, assented to, March 5th, 1856; also, to amend the charter incorporating the city of West Point, and for other purposes.

On motion of Mr. Hill of Harris, the rules were suspended for the purpose of taking up local Senate bills on their passage, which have been laid on the table for the present.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the relief of William A. Barden of Muscogee county.

And on motion, the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the time of holding the Superior Court for Wilkerson county, and to allow said Court to hold two weeks, and to draw two pannels of jurors.

And on motion, the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to define and prescribe the time of holding the Superior and Inferior Courts of the Cherokee Circuit.

And on motion, the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize E. N. Beazley, of Taliaferro county, to practice medicine, and charge for and collect the same.

And on motion, the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to lay out and organize a new county from the counties of Franklin and Habersham, and to provide for the organization of the same.

And on motion of Mr. Hill of Harris, the report was laid on the table.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to lay out and organize a new county from the counties of Hall, Habersham and Franklin, and for other purposes.

Mr. Banks moved to amend the report by striking out all of the first section of said bill, from the word "namely," to the word "thence," and by inserting in lieu thereof, the fol-

"Beginning at the North-East corner of Jackson county, where said corner touches Hall county; thence direct to Crow's Mill, thence direct to where the Athens and Clarks-ville road crosses the Hall and Habersham line;" which was agreed to.

Mr. Bloodworth of Pike, moved further to amend the report by striking out the fifth section of said bill, in relation to precincts; which was agreed to.

The report as amended was then agreed to, the bill was read the third time, and upon the question, shall this bill now pass?

Mr. Fambro required the yeas and nays, which being recorded were, yeas 56, nays 34.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Gibson,	Roberts,
Adams of Rabun,	Graham,	Riley of Lumpkin,
Akins,	Griffin of Twiggs,	Shropshire,
Banks,	Harris of Worth,	Spalding,
Beall,	Hays,	Staten,
Bennett,	Hill of Harris,	Stowers,
Bloodworth of Car-	Hill of Troup,	Strickland,
roll,	Hixon,	Tate,
Bloodworth of Pike,	Holcombe,	Thomas,
Briscoe,	Jamison,	Turner,
Brown,	Jarrard,	West,
Browning,	Johnson of Paulding	Westbrooks,
Bryan,	Knox,	Whitaker,
Bullard,	Matthews,	Wilcher,
Byrd,	McConnell,	Williams of Berrien,
Collier,	McDonald,	Williams of Terrell,
Donaldson,	Overstreet,	Williams of White,
Fain,	Price,	Young of Irwin,
Fields,	Quillian,	Young of Union.

Those who voted in the negative, are Messrs.

Arnett,	Gholston,	Reid,
Arnold,	Gordon,	Reynolds,
Bartlett,	Gresham,	Robinson of Talbot,
Billups,	Harris of Walton,	Shepherd,
Colquitt,	Hill of Sumter,	Slaughter,
Cooper,	Lockheart,	Smith of Hancock,
Cone,	Mattox,	Stokes,
Dawson,	Mallard,	Stubbs,
Darden,	McRea,	Sutton,
Drake,	Neal,	Walker,
Fambro,	Pope,	Webb,
Felton.		

So the bill was passed.

And on motion of Mr. Knox, the same was ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. Mallard the rules were suspended for the purpose of taking up Senate bills amended by the House of Representatives.

The amendment of the House of Representatives to a bill to be entitled an act to lay out and organize a new county from the counties of Stewart and Randolph, and for other purposes, was taken up and concurred in by the Senate.

The amendments of the House of Representatives to a bill of the Senate to be entitled an act for the relief of Lawson Cody of Chattahoochee county, and Emily Shaw of Walker county, were taken up.

And on motion of Mr. Tucker the amendments were concurred in.

The amendments of the House of Representatives to a bill of the Senate "to be entitled an act to incorporate the town of Hawkinsville, in the county of Pulaski, and to provide for the election of Commissioners for the same, was taken up.

And on motion of Mr. Mallard the amendment was concurred in.

The amendment of the House of Representatives to a bill to be entitled an act to incorporate the Presbyterian Church at Walthourville, in Liberty county, was taken up.

And on motion of Mr. Mallard the amendment of the House was concurred in.

The amendments of the Senate to a bill of the House of Representatives "to be entitled an act to appropriate money for the support of the Government for the political year 1859, and for other purposes therein named," which the House of Representatives had refused to concur in.

On motion of Mr. Bloodworth of Pike, the amendments were taken up seriatim.

The amendment of the Senate increasing the salary of the Superintendent of the Lunatic Asylum was taken up.

And on motion of Mr. Hill of Troup, the Senate insisted upon its amendment.

The amendment of the Senate increasing the salary of the State Librarian was taken up.

Mr. Gibson moved that the Senate do insist upon its amendment.

Upon agreeing to which motion, the yeas and nays were required, and being recorded were yeas 62, nays 40.

Those who voted in the affirmative were Messrs:

Adams of Elbert,	Hill, of Harris,	Roberts,
Adams of Rabun,	Hill of Sumter,	Slaughter,
Alins,	Hill of Troup,	Spalding,
Atkinson,	Hixon,	Staten,
Ashley,	Holcombe,	Stiles,

Briscoe,	Jamison,	Strickland,
Brown,	Jarrard,	Tate,
Browning,	Johnson of Fayette,	Tison,
Bryan,	Johnson of Pauld-	Tucker,
Bullard,	ing,	Turner,
Carlton,	Knox,	Warthen,
Collier,	Lockheart,	Webb,
Colquitt,	Matthews,	West,
Cooper,	McConnell,	Whitaker,
Fain,	McDonald,	Wilcher,
Fields,	McGuire,	Williams of Berrien,
Gibson,	McRea,	Williams of Terrell,
Gordon,	Morell,	Williams of White,
Gresham,	Mounger,	Young of Irwin,
Griffin of Calhoun,	Paine,	Young of Union,
Harris of Worth,	Price,	

Those who voted in the negative were Messrs :

Arnold,	Drake,	Reynolds,
Bartlett,	Fambro,	Robinson, of Talbot,
Beall,	Felton,	Riley of Lumpkin,
Bennett,	Gholston,	Shepherd,
Billups,	Graham,	Smith of Hancock,
Bloodworth of Car-	Griffin of Twiggs,	Stokes,
roll,	Hart,	Stubbs,
Bloodworth of Pike	Harris of Walton,	Sutton,
Bush,	Hays,	Thomas,
Byrd,	Mattox,	Walker,
Crowder,	Neal,	Ward,
Dawson,	Overstreet,	Westbrooks,
Darden,	Pope,	Wilcoxson,
Donaldson,	Reid,	

So the Senate insisted upon its amendment.

The amendment of the Senate giving extra pay to the Assistant Secretary of the Senate and Assistant Clerk of the House was taken up.

And on motion of Mr. Felton the Senate insisted upon its amendment.

The amendment of the Senate paying four lost coupons on the State of Georgia belonging to the Bank of Fulton was taken up.

And on motion of Mr. Whitaker the Senate insisted upon its amendment.

The amendment of the Senate relative to paying the Senate Committee and Secretary for examining the Western and Atlantic Railroad was taken up.

And on motion of Mr. Harris of Worth, the Senate insisted upon its amendment.

On motion of Mr. Paine the Senate then adjourned until 9 o'clock to-morrow morning.

*FRIDAY, DECEMBER 10th, 1858.*

NINE O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Strickland moved to reconsider so much of the journal of yesterday as relates to the vote by which the Senate adhered to its amendment, to a bill of the House of Representatives to be entitled an act to appropriate money for the support of the Government for the political year 1859, and for other purposes therein named, increasing the salary of the Superintendent of the Lunatic Asylum, which was agreed to.

Mr. Hill of Harris moved to suspend the rules for the purpose of taking up said bill, and the reconsidered amendment thereto.

Upon agreeing to which motion Mr. Hill of Harris required the yeas and nays which being recorded were yeas 72 nays 25.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Griffin of Calhoun,	Roberts,
Akins,	Griffin of Twiggs,	Robinson of Lau-
Ashley,	Hammond,	rens,
Banks,	Hart	Robinson of Talbot,
Bennett,	Harris, of Walton,	Sheperds,
Billups,	Hill of Harris,	Shropshire,
Bloodworth of Car-	Hill, of Sumter,	Spalding,
roll,	Hill of Troup,	Smith of Hancock,
Bloodworth of Pike,	Hixon,	Saten,
Bozeman,	Jamison,	Stiles,
Briscoe,	Johnson of Pauld-	Stokes,
Brown,	ing,	Stowers,
Bryan,	Knox,	Strickland,
Bush,	Lockheart,	Stubbs,
Byrd,	Mattox,	Sutton,
Cone,	Mallard,	Tate,
Crowder	Matthews,	Tison,
Cumbie,	McConnell,	Turner.
Dawson,	McDonald,	Walker.
Donaldson,	McRea,	Ward,
Fam bro,	Morell,	Warthen,
Felton,	Neal,	Webb,
Fields,	Overstreet,	Whitaker,
Gholston,	Reid,	Williams of Berrien,

Graham,  
Gresham,

Reynolds,

Young of Irwin,

Those who voted in the negative are Messrs :

Adams of Rabun,	Gorden,	Riley of Taylor,
Arnold,	Harris of Worth,	Slaughter,
Atkinson,	Jarrard,	West,
Beall,	Johnson of Fayette,	Wilcher,
Browning,	Mounger,	Wilcoxson,
Castleberry	Paine,	Williams of Terrell,
Cochran,	Quillian,	Williams of White,
Cooper,	Riley of Lumpkin,	Young of Union,
Fain,		

So the motion prevailed.

Mr. Hill of Harris moved that the Senate do recede from its amendment increasing the salary of the Superintendent of the Lunatic Asylum.

Upon agreeing to which motion Mr. Hill of Harris required the yeas and nays which being recorded were yeas 65 nays 40.

Those who voted in the affirmative are Messrs :

Akins,	Gholston,	Robinson of Lau-
Arnold,	Gordon,	rens,
Banks,	Graham,	Riley of Taylor,
Beall,	Gresham,	Shepherd,
Bennett,	Griffin of Twiggs,	Shropshire,
Billups,	Hart,	Staten,
Bloodworth of Car-	Hays,	Stokes,
roll,	Hill, of Harris,	Stowers,
Bloodworth of Pike,	Hixon,	Strickland,
Brown,	Johnson of Pauld-	Stubbs,
Bryan,	ing,	Sutton,
Bush,	Jossey,	Tate,
Castleberry,	Knox,	Thomas,
Cochran	Mattox,	Tison,
Collier,	McDonald,	Turner,
Cone,	McGuire,	Walker,
Crowder,	Neal,	Ward,
Cumbe,	Overstreet,	Westbrooks,
Dawson,	Quillian,	Wilcher,
Donaldson,	Reid,	Wilcoxson,
Fambro,	Reynolds,	Williams of Berrien,
Felton,	Roberts,	Williams of White,
Fields,	Robinson of Talbot,	Young of Irwin

Those who voted in the negative are Messrs.

Adams of Elbert,	Fain,	McCormell,
Adams of Rabun,	Gibson,	McDuffie,
Arnett,	Griffin of Calhoun,	McRea,
Atkinson,	Hammond,	Morell,
Ashley,	Harris of Worth,	Mounger,
Bozeman,	Hill of Sumter,	Paine,
Briscoe,	Hill of Troup,	Riley of Lumpkin,
Browning,	Jamison,	Slaughter,
Bullard,	Jarrard,	Spalding,
Byrd,	Johnson of Fayette,	Smith of Hancock,
Colquitt,	Lockheart,	Stiles,
Cooper,	Mallard,	Williams of Terrell,
Darden,	Matthews,	Young of Union,

So the Senate receded from its amendment.

Mr. Cochran moved to reconsider so much of the journal of yesterday as relates to the vote by which,

A bill to be entitled an act to change the time of holding the Superior Court for Wilkerson county, and to allow said Court, to hold two weeks and to draw two panel of jurors, was laid on the table for the balance of the session, which was agreed to.

On motion of Mr. Cone Mr. Briscoe was added to the Auditing Committee.

On motion leave of absence for the balance of the session after to-day, was granted to Mr. Williams of Berrien on account of indisposition of his family.

On motion of Mr. Briscoe, Messrs. Hill of Troup, Fain, Banks, Mounger, Smith of Hancock and Williams of White, was added to the Committee on Enrollment.

On motion of Mr. Slaughter the rules were suspended for the purpose of offering a resolution.

Mr. Slaughter offered the following resolution, which was taken up read and agreed to.

*Resolved*, That the Senators from Baldwin, Worth and Telfair, be appointed a committee to bring up the unfinished business of the session, and that they be allowed three days for that purpose after the adjournment.

Mr. Paine from the Committee on Enrollment, reports as duly enrolled and ready for the signature of the President of the Senate.

An act to change the county line between Henry and DeKalb counties.

Also, an act to incorporate the "Washington Rifles" and to grant unto them certain privileges.

Also, an act to change the time of holding the Inferior Court in the county of Clinch.

Also, an act to collect interest on open accounts in this State



after they are due, and to fix the time when accounts shall fall due, when the same is not agreed upon by the parties.

Also, an act to authorize the Justices of the Peace, in any Militia District in this State, to adjourn their Courts from day to day, or to hold Court two or more days in each month, whenever the business of any of their Courts require it.

Also, an act to amend an act to change and simplify the practice and pleadings in this State, approved February 20, 1854.

Also, an act to alter and amend the laws of this State in relation to notices to be given by insolvent debtors to their creditors.

Also, an act to make legal and valid the acts of George W. Harris of the State of Mississippi as executor of Jephtha V. Harris, and for other purposes.

Also, an act for the relief of Loverd Bryan from his executorship.

Also, an act to confer certain rights and powers on the Justices of the Inferior Court of the county of Lincoln in relation to granting licenses to retail liquors and to keep tippling houses.

Also, an act to amend an act entitled an act to incorporate the city of Americus.

Also, an act to declare the true intent and meaning of an act entitled an act, to authorize the Justices of the Inferior Court of the County of Gwinnett to levy an extra tax, to pay for the erection of a new Court House in said county, approved March 1st, 1856, and to amend the caption of said act and for other purposes.

Also, an act to allow the Justices of the Inferior Court of Dade county, to levy and collect a poor tax, not to exceed twenty per cent on the general tax.

On motion of Mr. Spaulding the rules were further suspended for the purpose of offering a resolution.

Mr. Spaulding offered the following resolution which was taken up, read and agreed to.

*Resolved*, That the name of John A. Jones be signed to the memorial now upon the Journals of the Senate.

On motion of Mr. Adams of Elbert, the rules were further suspended for the purpose of offering a resolution.

Mr. Adams of Elbert offered the following resolution which was taken up, and read, to-wit :

*Resolved*, That the Secretary be authorized to appoint such additional clerks as will be necessary to bring up the business so as to adjourn on to-morrow night.

Mr. Slaughter offered the following resolution as a substitute for the foregoing resolution to-wit :

*Resolved*, That both branches of the General Assembly do adjourn sine die on the 15th instant.

Mr. Atkinson from the Joint Committee to examine into

the unfinished business of the General Assembly, and to report on adjournment, made the following report,

The Joint Committee on adjournment, having examined the unfinished business of both branches of the General Assembly, report the following facts without recommendation.

Business of House Representatives,		
Bills on their passage,	236	
“ “ table for present	10	246
Senate bills read 2d time	175	
“ “ on passage	54	229
		<hr/>
Total		475
House resolutions	15	
Senate do.	11	26
Senate bills on table for present	32	
“ “ “ passage	25	
“ resolutions	16	
House bills general on passage	31	
“ “ Local do. do.	88	
“ “ 2d reading	12	
“ “ Resolutions	6	

Mr. Bloodworth of Pike called for the previous question, And upon the question will the Senate second the call for the previous question? Mr. Bloodworth of Pike required the yeas and nays which being recorded were yeas 46 nays 61.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Fields,	Pope,
Akins,	Gholston,	Reid,
Bennett,	Hart,	Reynolds,
Billups,	Harris of Walton,	Robinson of Talbot,
Bloodworth of Carroll,	Hill of Sumter,	Shepherd,
Bloodworth of Pike,	Hill of Troup,	Smith of Hancock,
Bush,	Hill of Harris,	Smith of Jefferson,
Cone,	Holcombe,	Stiles,
Crowder,	Lockheart,	Strickland,
Dawson,	Mattox,	Stubbs,
Darden,	Mallard,	Tate,
Donaldson,	McConnell,	Tison,
Drake,	McDonald,	Ward,
Fambro,	McGuire,	Williams of Berrien,
Felton,	Morell,	Wooten,
	Overstreet,	

Those who voted in the negative, are Messrs.

Adams of Rabun,	Gordon,	Robinson of Laurens,
Arnett,	Graham,	
Atkinson,	Griffin of Calhoun,	Riley of Taylor,

Banks,	Griffin of Twiggs,	Shropshire,
Bartlett,	Hammond,	Slaughter,
Beall,	Harris of Worth,	Spalding,
Bozeman,	Hays,	Staten,
Briscoe,	Hixon,	Stokes,
Brown,	Jarrard,	Sutton,
Browning,	Johnson of Pauld-	Thomas,
Bryan,	ing,	Turner,
Bullard,	Knox,	Walker,
Castleberry,	Matthews,	Warthen,
Cochran	McDuffie,	West,
Collier,	McRea,	Whitaker,
Colquitt,	Mounger,	Wilcher,
Cooper,	Paine,	Williams of Terrell,
Cumbe,	Price,	Williams of White,
Fain,	Quillian,	Young of Irwin,
Gibson,	Riley of Lumpkin,	Young of Union,

So the call for the previous question was not seconded.

Mr. Slaughter withdrew his substitute,

And Mr. Thomas moved to strike out the words (so as to adjourn on to-morrow night) in the original resolution, which was agreed to.

The resolution as amended was then agreed to.

On motion of Mr. Slaughter the rules were suspended for the purpose of offering a resolution,

Mr. Slaughter offered the following resolution which was taken up and read.

*Resolved*, That both branches of the General Assembly do adjourn sine die on the 15th instant.

Upon agreeing to which resolution in pursuance of the Constitution the yeas and nays were recorded and were yeas 70 nays 41

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Gresham.	Riley of Lumpkin,
Akins,	Griffin of Calhoun,	Robinson of Lau-
Arnett,	Griffin of Twiggs,	rens
Arnold,	Hommand	Riley of Taylor,
Atkinson,	Hart,	Shepherd,
Ashley,	Harris of Walton,	Shropshire,
Banks,	Harris of Worth,	Slaughter,
Bartlett,	Hays,	Spalding
Beall,	Hill of Sumter,	Smith of Hancock,
Bozeman,	Hixon,	Staten,
Briscoe,	Jamison,	Stokes,*
Brown,	Jarrard,	Sutton,
Browning,	Johnson of Pauld-	Thomas,
Bryan,	ing,	Turner,

Bullard,	Jossey,	Walker,
Castleberry,	Knox,	Warthen,
Cochran	McDuffie,	West,
Gollier,	McGuire,	Westbrooks,
Colquitt,	McRea,	Whitaker,
Cooper,	Mounger,	Wilcher,
Cumbie,	Paine,	Williams of Terrell,
Fain,	Paine,	Williams of White,
Gibson,	Quillian,	Young, of Irwin,
Gordon,	Roberts,	Young of Union.

Those who voted in the negative are Messrs:

Adams of Elbert,	Fambro,	Overstreet,
Bennett,	Felton,	Reid,
Billups,	Fields,	Reynolds,
Bloodworth of Car-	Gholston,	Robinson of Talbot,
roll,	Hill of Harris,	Stiles,
Bloodworth of Pike,	Hill of Troup,	Stowers,
Bush,	Holcombe,	Strickland,
Byrd,	Lockheart,	Stubbs,
Cone,	Mattox,	Tison,
Crowder,	Mallard,	Ward,
Dawson,	McConnell,	Wilcoxson,
Darden,	McDonald,	Williams of Berrien,
Donaldson	Morell,	Wooten,
Drake,	Neal,	

So there was not a constitutional majority and the resolution was not agreed to.

Mr. Harris of Worth from the committee on new counties and county lines report that they have had under consideration a bill to change the line between the counties of Pulaski and Telfair and recommend that the bill do not pass.

Also, a bill to change the county line between the counties of Terrell and Randolph and recommend the passage of the bill.

WM. A. HARRIS, Chairman.

Mr. Hill of Harris moved that the rules be suspended for the purpose of taking up House bills on their passage, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to make valid and binding the subscription heretofore made by the Mayor and Council of the city of Columbus, to the stock of the Mobile and Girard Railroad Company &c.

The report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk:

*Mr. President:*—The House has disagreed to all the amendments of the Senate of the bill to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt, and to provide for the education of the children in the several counties of the State. The Speaker having decided, and the House having sustained the decision, that inasmuch as the amendments proposed by the Senate, have once been proposed in the House during the present session and voted down, they were not in order before the House and could not be again considered.

The House has also receeded from its disagreement to the amendments of the Senate, to

A bill to be entitled an act to appropriate money for the support of the Government for the year 1859, and for other purposes, and has concurred therein.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to allow the Justices of the Peace in the several counties of this State to hold their Courts two days in every month.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to repeal an act entitled an act to provide for the trial by the Superior Courts of this State, of any slave or slaves or free persons of color charged with any capital offence against the laws of this State, approved Feb. 14th, 1850.

Mr. Paine moved that the report be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to remove and prevent obstructions in, and keep open one-third of the main channel of the Chattahoochee river from the line of Florida to the mouth of the Chestate river.

Mr. Harris moved to amend the report by striking out so much of the bill as relates to the Flint River, which was agreed to.

Mr. Colquitt moved that the report as amended, be laid on the table for the balance of the session, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to compensate certain persons therein named.

And on motion of Mr. Harris of Worth, the report was laid on the table for the balance of the session.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President:* The House has adopted a resolution bringing on the election of commissioners to codify the Laws of Georgia, at ten minutes before one o'clock, P. M. to-day, in which they ask the concurrence of this branch of the General Assembly.

They have also passed the bill of the Senate to be entitled an act to incorporate the town of Camilla, in the county of Mitchell, and to provide for the election of President, Councilmen, Marshal and Treasurer for the same, and for other purposes therein mentioned, with certain amendments, in which they ask the concurrence of the Senate.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to appropriate money for the Medical College of Georgia.

The report was agreed to, the bill was read the third time, and upon the question, shall this bill now pass?

Mr. Graham required the yeas and nays, which being recorded, were, yeas 49, nays 43.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Hill of Sumter,	Robinson of Talbot
Bartlett,	Hill of Troup,	Shepherd,
Beall,	Hixon,	Shropshire,
Bloodworth of Pike,	Jarrard,	Smith of Hancock
Briscoe,	Knox,	Staten,
Brown,	Lockheart,	Stiles,
Bush,	Matthews,	Stokes,
Cooper,	McConnell,	Stubbs,
Crowder,	McGuire,	Sutton,
Cumbie,	Morell,	Thomas,
Darden,	Mounger,	Ward,
Drake,	Neal,	Warthen,
Felton,	Paine,	Wilcher,
Gibson,	Price,	Williams of White,
Gordon,	Quillian,	Wooten,
Gresham,	Roberts,	Young, of Union,
Harris of Worth,		

Those voting in the negative are Messrs :

Adams of Elbert,	Colquitt,	Pope,
Akins,	Fambro,	Reid,
Amett,	Gholston,	Reynolds,
Ashley,	Graham,	Riley, of Lumpkin
Banks,	Griffin of Twiggs,	Riley of Taylor,

Bennett,	Hart,	Slaughter,
Bloodworth of Car-	Harris of Walton,	Stowers,
roll,	Hays,	Tate,
Bozeman,	Jamison,	Walker,
Browning,	Johnson of Pa'lding,	Webb,
Bryan,	Mattox,	Westbrooks,
Bullard,	McDonald,	Wilcoxson,
Byrd,	McDuffie,	Williams of Ber-
Castleberry,	McRea,	rien,
Collier,	Overstreet,	Young of Irwin,

So the bill was passed.

The Senate took up as the report of the Committee of the whole,

A bill of the House of Representatives to be entitled an act to provide for the appointment and compensation of a board of visitors to Franklin College, and to prescribe their duties.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend an act, assented to December 22d, 1857, entitled an act to amend an act to exempt from levy and sale under execution certain property therein mentioned, assented to December 11th, 1841.

The report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend the several acts in relation to the assignment of dower, assented to February 21st, A. D. 1850.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to declare the true intent and meaning of an act to prescribe the mode of Manumitting Slaves in this State, approved December 5th, 1801, and an act entitled an act, supplementary to and more effectually to enforce an act, prescribing the mode of Manumitting Slaves in this State, approved, December the 19th, 1818.

And on motion of Mr. Slaughter, the report was laid on the table for the balance of the session.

Mr. Paine from the committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and

ready for the signature of the President of the Senate, the following resolution, to-wit:

**A resolution bringing on the election of three fit and proper persons to codify the Laws of Georgia.**

On motion of Mr. Billups, the rules were suspended and the resolution of the House of Representatives in relation to bringing on the election of commissioners to codify the Laws was taken up, read and concurred in.

On motion of Mr. Hill of Harris the rules were suspended and the Senate took up the amendments of the Senate to a bill of the House of Representatives entitled an act to appropriate the net earnings of the Western and Atlantic Railroad, to the payment of the Public Debt and to provide for the education of the children of the several counties of the State, which the House of Representatives refused to concur in.

Mr. Hill of Harris, moved that the Senate insist upon all its amendments to said bill, which was agreed to.

Mr. Paine moved that a committee on the part of the Senate be appointed to confer with such committee as may be appointed by the House of Representatives in relation to the amendments of the Senate to the foregoing bill.

Pending the consideration of which motion,

The following message was received from the House of Representatives, by Mr. Shropshire, their clerk:

*Mr. President:* I am directed by the House to inform the Senate, that they are now ready to receive them into the Hall of Representatives for the purpose of entering into the election of three persons to codify the laws of Georgia, which election is set apart by law for to-day.

And on motion of Mr. Slaughter, the Senate repaired to the Hall of the House of Representatives, and after being seated, the General Assembly proceeded to the election of three commissioners to codify the laws of the State of Georgia, when on receiving and counting out the votes, it appeared that the Hon. Herschel V. Johnson, Hon. Iverson L. Harris, and Hon. David Irwin, were duly elected.

The Senate then on motion, returned to their Chamber.

And the Senate then, on motion of Mr. Quillian, adjourned until 3 o'clock, P. M.

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#### AFTERNOON SESSION.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

And resumed the consideration of the unfinished business



of the morning, which was the motion to appoint a committee on the part of the Senate, to confer with such committee as may be appointed by the House of Representatives in relation to the amendments of the Senate to a bill of the House of Representatives to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt, and to provide for the education of the children of the several counties of this State, which the House of Representatives has refused to concur in, and the Senate has insisted upon; which motion was agreed to.

And the President of the Senate appointed Mrs. Paine, Mallard and Strickland as that committee on the part of the Senate.

Mr. Paine from the committee on Enrollment report as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate, the following act, to wit:

An act to allow Justices of the Peace in the several counties of this State to hold their Courts two days in every month.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend an act entitled an act in relation to the public records of counties where they have been destroyed by fire, &c., approved March 5th, 1856.

The committee on the Judiciary moved to amend the report by adding the following section to said bill:

*And be it further enacted,* That nothing in this act contained or the act of which it is amendatory, approved March fifth, 1856, shall extend to any case or cases that were pending at the time of the passage of said act of the fifth of March 1856, and so far as the same does extend to cases that were pending at said time, the same is hereby repealed, which was agreed to.

Mr. Stubbs moved further to amend the report by adding the following proviso to the second section of said bill:

Provided further that said act of 5th March 1856 shall be repealed except so far as to permit said instruments so destroyed by fire to be established. But said record when so established shall not of itself be proof of the delivery and proper execution of said deed or other instrument, leaving to the parties all their rights as to proof of execution and delivery, as though no such act had been passed, which was agreed to.

The report as amended was then agreed to, the bill was read the third time, and upon the question shall this bill now pass? Mr. Hill of Harris required the yeas and nays, which being recorded were yeas 83, nays 15.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Gresham,	Roberts,
Adams of Rabun,	Griffin of Twiggs,	Robinson of Lau-
Akins,	Hammond,	rens
Arnett,	Harris of Merri-	Robinson of Talbot,
Arnold,	wether,	Riley of Lumpkin,
Atkinson,	Harris of Walton,	Slaughter,
Ashley,	Harris of Worth,	Spaulding,
Banks,	Hays,	Smith of Hancock,
Bartlett,	Hill of Troup,	Staten,
Beall,	Hixon,	Stiles,
Bloodworth of Car-	Holcombe,	Stokes,
roll,	Jarrard,	Stowers,
Bloodworth of Pike,	Johnson of Pauld-	Strickland,
Bozeman,	ing,	Stubbs,
Brown,	Knox,	Sutton.
Bryan,	Graham,	Reynolds.
Byrd,	Lockheart,	Thomas,
Collier,	Mattox,	Tison,
Colquitt,	Matthews,	Tucker,
Cooper,	McConnell,	Ward,
Crowder,	McDonald,	Webb,
Cumbie,	Morell,	West,
Dawson,	Mounger,	Westbrooks,
Darden,	Neal,	Whitaker
Donaldson,	Overstreet,	Wilcher,
Drake,	Paine	Williams of Terrell,
Fambro,	Pope,	Williams of White,
Felton,	Price,	Wooten,
Gibson,	Quillian,	Young of Irwin.
Gordon,	Reid,	

Those who voted in the negative are Messrs :

Bennett,	Hart,	Tate,
Cochran,	Hill of Harris,	Walker,
Cone,	McGuire,	Wilcoxson,
Fain,	Shropshire,	Williams of Berrien.
Fields,	Smith of Jefferson.	Young of Union.

So the bill was passed.

The following message was received from the House of Representatives by Mr. Shropshire their clerk :

*Mr. President* :—I am directed by the House of Representatives to inform the Senate that the House insists on its disagreement to the amendments of the Senate to a bill to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt and to provide for the education of the children in the several counties in this State, and have appointed Messrs. Smith of Jones, Harris of Glynn, Irwin, Lewis of Hancock, and Kenan a committee of conference on the part of the House

to confer with a similar committee appointed by this branch of the General Assembly.

On motion of Mr. Strickland the rules were suspended for the purpose of offering a resolution.

Mr. Strickland offered the following resolution, which was taken up, read, and agreed to,

*Resolved*, That the Secretary of the Senate and the Clerk of the House of Representatives be instructed to lay before the two Houses on to-morrow morning the unfinished business before the same.

And on motion of Mr. Strickland the same was ordered to be transmitted forthwith to the House of Representatives.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize the Justices of the Inferior Courts of the several counties in this State, upon the recommendation of the Grand Juries thereof, to assess and collect a tax for the payment of Grand and Petit Jurors, and at their pleasure to discontinue and again re-assess the same upon said recommendation.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to compel Judges of the Superior Court of each circuit in the State to hold adjourned terms in every county within their circuits where the business requires, until the docket is cleared, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize collection of interest on open accounts from the time they may be determined by a jury to be due.

And on motion of Mr. Bloodworth of Pike the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to appropriate money for the repairs of the Penitentiary, and to erect additional buildings to the same for the security and accommodation of the convicts.

The report was agreed to, the bill was read the third time, and upon the question shall this bill now pass? Mr. Stubbs required the yeas and nays, which being recorded, were yeas 76, nays 47.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Darden,	Neal,
Arnett,	Donaldson,	Paine,
Atkinson,	Drake,	Pope,
Ashley,	Felton,	Robinson of Laurens
Bartlett,	Gibson,	Robinson of Talbot,
Beall,	Gresham,	Slaughter,
Bennett,	Griffin of Twiggs,	Spalding,
Billups,	Hammond,	Smith of Hancock,
Bozeman,	Hart,	Staten,
Briscoe,	Harris, of Worth,	Stiles,
Brown,	Hays,	Thomas,
Browning,	Hill of Harris,	Tison,
Bryan,	Hill of Sumter,	Tucker,
Bullard,	Hill of Troup,	Turner,
Bush,	Hixon,	Ward,
Byrd,	Johnson of Fayette,	Warthen,
Castleberry,	Knox,	Webb,
Collier,	Lockheart,	West,
Colquitt,	Mattox,	Wilcher,
Cooper,	Mallard,	Williams of Berrien,
Cone,	McDonald,	Williams of Terrell,
Crowder,	McRea,	Wooten,
Cumbe,	Morell,	Young, of Irwin,
Dawson,	Mounger,	

Those who voted in the negative are Messrs :

Adams of Rabun,	Harris of Merriweth-Roberts,	
Akins,	er,	Riley of Lumpkin,
Arnold,	Holcombe,	Shropshire,
Banks,	Jamison,	Stokes,
Bloodworth of Car-	Jarrard,	Strickland,
roll,	Johnson of Pauld-	Stubbs,
Bloodworth of Pike,	ing,	Sutton,
Cochran,	Matthews,	Tate,
Fain,	McConnell,	Walker,
Fambro,	McGuire,	Westbrooks,
Fields,	Overstreet,	Whitaker,
Gholston,	Price,	Wilcoxon,
Gordon,	Quillian,	Williams of White,
Graham,	Reid,	Young of Union.
Harris of Walton,	Reynolds,	

So the bill was passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize the Georgia Railroad and Banking Company to

build a branch road to the town of Eatonton in Putnam county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire their clerk.

*Mr. President* :—The House has concurred in the amendment of the Senate in relation to the organizing of a new county out of the counties of Hall, Habersham and Franklin and for other purposes.

They have also passed the following bill of the Senate with an amendment, to wit.

A bill to be entitled an act to repeal the first and second sections of an act approved 20th February 1854, in relation to new trials, and for other purposes.

Also, a bill to be entitled an act to incorporate the Atlanta, West Point and Columbus Magnetic Telegraph company, and for other purposes, with certain amendments therein mentioned.

A bill to be entitled an act to alter and amend the fourteenth section of the fifth division of the penal code of this State.

A bill to be entitled an act to amend an act entitled an act to incorporate the Grand Lodge Knights of Jericho of the State of Georgia, and for other purposes therein named so far as to change the motto mentioned in said act, with amendments in which they ask the concurrence of the Senate.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend the third section of an act entitled an act to prescribe the manner in which the names of persons may be changed, and born illegitimates may be made legitimate and to carry into effect the provisions of the Constitution upon that subject, and also to prescribe the manner in which children may be adopted, approved March 6th, 1856.

Mr. Gibson moved to amend the report by adding the following proviso to the second section of said bill, to wit :

Provided that this act shall have no retrospective operation, or the provisions thereof apply in any respect whatever to any case or cases in which the order of adoption was granted previous to its passage, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act relative to the issuing of executions.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act authorizing witnesses residing out of this State to prove the execution of deeds and other instruments in writing, by making oath in writing under certain provisions herein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act relative to the division of property in the hands of administrators, executors and guardians.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to extend the writ of certiorari to possessory warrants.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the appointment of auditors in certain cases.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to alter and amend the fifteenth section of the fourteenth division of the penal code.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to add an additional section to the penal code.

Mr. Slaughter moved that the report be laid on the table for the present.

Upon agreeing to which motion, Mr. Slaughter required the yeas and nays, which being recorded were yeas 59, nays 44.

Those who voted in the affirmative were Messrs:

Adams of Ellberton	Gibson,	Robinson of Laurens.
Adams of Rabun,	Gordon,	
Akins,	Graham,	Robinson, of Talbot,

Ashley,	Harris of Walton,	Riley of Lumpkin,
Banks,	Hays,	Slaughter,
Beall,	Hill of Sumter,	Staten,
Bennett,	Holcombe,	Stokes,
Billups,	Jarrard,	Stubbs,
Bloodworth of Carroll,	Johnson of Fayette,	Sutton,
Bloodworth of Pike	Johnson of Paulding,	Thomas,
Bozeman,	Lockheart,	Tison,
Briscoe,	McConnell,	Walker,
Bullard,	McDuffie,	Ward,
Castleberry,	McRea,	Warthen,
Collier,	Mounger,	Webb,
Colquitt,	Overstreet,	West,
Cumbie,	Quillian,	Whitaker,
Darden,	Reid,	Wilcher,
Fain,	Reynolds,	Wilcoxson,
Fambro,	Roberts,	Williams of Berrien,

Those who voted in the negative were Messrs:

Arnett,	Gholston,	Pope,
Arnold,	Gresham,	Price,
Atkinson,	Griffin of Twiggs,	Riley of Taylor,
Bartlett,	Hart,	Shepherd,
Brown,	Harris of Merri-	Shropshire,
Browning,	wether,	Spalding,
Bryan,	Harris of Worth,	Smith of Hancock,
Bush,	Hill of Harris,	Stiles,
Byrd,	Hill of Troup,	Tate,
Cooper,	Knox,	Turner,
Cone,	Mattox,	Westbrooks,
Crowder,	Matthews,	Williams of Terrell,
Dawson,	McDonald,	Williams of White,
Donaldson,	McGuire,	Young of Irwin,
Fields,	Morell,	Young of Union,

So the motion to lay the resolution on table for the present prevailed.

The hour of adjournment having arrived, the President adjourned the Senate until 6½ o'clock, P. M.

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#### EVENING SESSION.

6½ o'clock, P. M.

The Senate met according to adjournment.

The following bills of the House of Representatives were

taken up, severally read the second time and referred to the committee of the whole, to-wit:

A bill to be entitled an act to impose additional penalties upon the banks of this State, so as to compel them to comply with the requisitions of an act entitled an act to provide against the forfeiture of the several bank charters in this State on account of non-specie payment for a given time, and for other purposes therein mentioned, passed by a constitutional majority at the last session over the Executive veto.

Also a bill to be entitled an act for the pardon of Benjamin Knight, now confined in the penitentiary.

A bill to be entitled an act to amend the laws in regard to defaulting tax payers, and to prescribe the duty of tax collectors in such cases; to change the oath of tax collectors; to tax the managers of lotteries in this State, and to prescribe the forfeiture of the venders of lottery tickets in lotteries out of this State, and the manner of collecting the same. The tax on insurance companies out of this State when agencies are established in this State, and where the taxes shall be paid. Duty of Comptroller General in case of failure. Tax on foreign bank agencies established in this State, and duty of Comptroller when they fail to make returns; explains the ad valorem system and what shall be given in for taxation, and prescribes the oath of tax payers. Railroad Companies required to make their returns of taxes to the State Treasurer. Time prescribed and the penalty of failure. The Comptroller General directed to employ other counsel than Attorney General or Solicitors, in certain cases by advice of the Governor, and shall fix the fees. Tax laws to be digested and printed, duty of Governor and Comptroller therein, to be distributed to the receivers and collectors of taxes, their duty prescribed, and their successors in office and their duty.

On motion of Mr. Harris of Merriwether the rules were suspended for the purpose of taking up Senate bills amended by the House of Representatives.

The amendment of the House of Representatives to

A bill to be entitled an act to incorporate a corps of Infantry in the town of Fort Valley, and to confer certain privileges upon the same, was taken up.

And on motion of Mr. Matthews the amendment of the House of Representatives was concurred in.

The Senate took up the amendments of the House of Representatives to

A bill of the Senate to be entitled an act to change the line between the counties of Wayne and Glynn, so as to include the residence of James Stafford in the county of Wayne.

And on motion the Senate concurred in the amendment.

The amendment of the House of Representatives to

A bill of the Senate to be entitled an act for the relief of Mary Frances Nunar, was taken up.



And on motion of Mr. Stubbs the same was concurred in.  
The amendment of the House of Representatives to

A bill of the Senate to be entitled an act to incorporate the town of Camilla, in the county of Mitchell, and to provide for the election of President, Councilmen, Marshal and Treasurer for the same, and for other purposes therein mentioned, was taken up.

And on motion of Mr. Stubbs the same were concurred in.  
The amendment of the House of Representatives to

A bill of the Senate to be entitled an act to change the line between the counties of Macon and Sumter, so as to add M. R. Smith of the county of Sumter to the county of Macon; also to change the county line between Schley and Marion, was taken up.

And on motion of Mr. Brown the same was concurred in.  
The amendment of the House of Representatives to

A bill of the Senate to be entitled an act to amend an act entitled an act to incorporate the Grand Lodge Knights of Jericho of the State of Georgia, and for other purposes therein named, so far as to change the motto mentioned in said act, was taken up.

And on motion of Mr. Whitaker the same was concurred in.

The amendment of the House of Representatives to

A bill of the Senate to be entitled an act to incorporate the Atlanta, West Point and Columbus Magnetic Telegraph Company, was taken up.

And on motion the same was concurred in.

The amendments of the House of Representatives to

A bill of the Senate to be entitled an act to repeal the first and second (1 and 2) sections of an act approved 20th February, 1854, in relation to new trials, and for other purposes, were taken up.

And on motion of Mr. Stubbs the Senate refused to concur therein.

The amendment of the House of Representatives to

A bill of the Senate to be entitled an act to change the line between the counties of Coffee and Irwin, was taken up.

And on motion the same was concurred in.

The amendments of the House of Representatives to

A bill of the Senate to be entitled an act to incorporate Washington Institute, a high school, organized by an Association of Baptist Churches, known as the Washington Association, and located in Hancock county, and incorporate trustees for the same, were taken up.

And on motion of Mr. Smith of Hancock, the same were concurred in.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to define the lines between the counties of Schley, Sumter and Macon, to change the line between the counties of Irwin and Wilcox, the counties of Coweta and Heard, between the counties of Colquitt and Thomas, between the counties of Carroll and Haralson, and between the counties of Greene and Taliaferro.

Mr. Hill of Sumter, moved to amend the report by changing the line as fixed in the bill between the counties of Schley and Sumter, which was agreed to.

Mr. Harris moved further to amend the report by changing the lines between the counties of Colquitt and Worth, which was agreed to.

Mr. Browning moved further to amend the report by changing the line between the counties of Thomas and Brooks, which was agreed to.

Mr. Williams of Terrell, moved further to amend the report by changing the line between the counties of Randolph and Terrell, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire their Clerk:

*Mr. President:*—The House has passed the following bills of the Senate to-wit:

A bill to be entitled an act to repeal an act to consolidate the offices of tax collector and receiver of tax returns, so far as respects the county of Worth.

A bill to be entitled an act to incorporate the Gwinnett Manufacturing Company of the county of Gwinnett, and to define the rights, privileges and liabilities of the same.

A bill to be entitled an act to repeal an act approved February 15th, 1854, in relation to constables' fees so far as relates to Warren county.

A bill to be entitled an act to change the line between the counties of Pierce and Ware.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Pickens county to levy and collect an extra tax for the purpose of paying the county debt created by building the Court House in said county.

A bill to be entitled an act to lay out and organize a new county from the counties of Lowndes and Thomas, and for other purposes therein specified.

A bill to be entitled an act to repeal an act to authorize the Justices of the Inferior Court of the several counties in this State to create and lay out any new district, or change and alter the lines of those already laid out, assented to 23d December, 1839, so far as relates to the county of Cherokee, assented to Dec. 22d, 1840, and to legalize all districts made

and lines changed by the Interior Court of Cherokee county, since the passage of said act, and to legalize its acts done by the officers in said district.

A bill to be entitled an act for the relief of William S. Rockley, and to relieve him from certain disabilities.

A bill to be entitled an act to incorporate the Lumpkin and Florence Railroad, and to define the privileges and liabilities of the same.

Also a bill to be entitled an act to repeal an act entitled an act to compensate the grand and petit jurors for the county of Pickens and to authorize the Justices of the Inferior Court to levy an extra tax for that purpose, and to extend the provisions of this act to other counties therein named, approved March 6th, 1856, so far as respects Pickens county.

Also a joint resolution requiring the Librarian to cancel certain receipts for books destroyed by the recent fire in Milledgeville.

They have also passed the following bills of the Senate with amendments:

A bill to be entitled an act to change the time of holding the Superior Courts of the counties of Baker and Mitchell, &c.

A bill to be entitled an act to compensate the jurors of the county of Jefferson, and for other purposes.

A bill to be entitled an act to add Nos. 219, 254 and 256, in the fourth district of Irwin to the county of Wilcox.

A bill to be entitled an act to amend an act pointing out the mode of collecting a certain description of debts therein mentioned and to extend the provisions of the same.

A bill to be entitled an act to amend an act entitled an act to regulate the rates of license in this State, so far as relates to the county of Wilcox, and for other purposes therein mentioned.

A bill to be entitled an act to legalize and make valid the sheriff's bond of the county of Glascock, and also to provide for the drawing and empaneling of grand and petit jurors for the second week of the terms of the Superior Courts of the county of Walton.

A bill to be entitled an act to alter, change and amend the second section of an act to incorporate and confer certain powers and privileges upon the Sandersville Hotel Company, the Pioneer Hook and Ladder Company, and the Church Asylum of Augusta, approved March the 5th 1856, and to legalize certain ordinances for the city of Macon and for other purposes, in which they ask the concurrence of the Senate.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate the Delta Lodge No. 148 of Free and Accepted Masons of the county of Franklin.

Mr. Knox moved to amend the report by incorporating Carnesville Lodge No. 186 Free and Accepted Masons, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to consolidate the offices of the Clerks of the Superior and Inferior Courts of the county of Glasscock.

Mr. Shepherd moved to amend the report by adding a section to said bill consolidating the offices of Clerk of Superior and Inferior Courts of Webster county, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to establish a board of education in the county of Lincoln, and to confer certain specified powers upon them. Also to declare what teachers shall be entitled to draw upon the poor school fund of said county.

Mr. Williams of Terrell moved to amend the report by adding a section to said bill extending the provisions of the same to the county of Terrell, which was agreed to.

Mr. Bartlett moved further to amend the report by adding several sections to said bill authorizing the election of school commissioners for Jasper county, &c., which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

Mr. Briscoe from the Committee on Enrollment, reports as duly enrolled and ready for the signature of the President of the Senate.

An act to incorporate the Presbyterian Church of Walthourville in Liberty county and to incorporate the Savannah flour mill company.

Also an act for the relief of Lawson Cody of Chattahoochee county, and Emily Shaw of Walker county and for other purposes herein mentioned.

Also, an act to lay out and organize a new county from the counties of Stewart and Randolph, and for other purposes.

Also, an act to alter and amend the fourteenth section of the fifth division of the Penal Code of this State.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President:*—The House of Representatives have receded from their amendment to,

A bill to be entitled an act to repeal the first and second

sections of an act, approved February 20th, 1854, in relation to new trials, and for other purposes.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to provide for the compensation of Grand and Petit Jurors of Dawson county, in the Superior and Inferior Courts of said county, and to provide for the payment of the same.

Mr. Graham moved to amend the report by adding two sections to said bill authorizing the levying of an extra tax to pay the Justices of the county of Dawson.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of Mrs. Ann S. Fain of the county of Richmond.

And on motion the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize Russell Jones of the county of Union, guardian of the minors of James Thomas, to sell the negroes of said trust estate, in the county Walton, and for other purposes.

And on motion of Mr. Billups the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of Mrs. Annie T. Carroll wife of Robert Carroll of Fulton county.

And on motion the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to legalize the proceedings of the Superior Court of Taliferro county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize and empower John W. Reid, administrator on the estate of Samuel B. Daniel late of said Green county, deceased, to vest any surplus funds in his hands arising from the sale of crops &c., under imitations and restrictions herein set forth.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, authorizing Martha B. Banks administratrix, and Joseph H. Banks executor of Richard Banks deceased, to sell certain lands at private sale.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate Butler Lodge, No. 20, Free and Accepted Masons at Mill town, in Berrien county Georgia.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

The bill of the House of Representatives, to be entitled an act to change the time of holding the Inferior Court of Ware county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

Bill of the House of Representatives, to be entitled an act to incorporate Altamaha Lodge, No. 227, of Free and Accepted Masons of the county of McIntosh.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives for the relief of Wm. M. Reese administrator of Toliver Jones, deceased.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to amend the charter of the town of Monticello, in the county of Jasper, so as to give the election of Marshal of said town, to the legal voters.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to consolidate the offices of tax collector and receiver of Dawson county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards in the town of Newnan, Coweta county and other purposes therein mentioned.

Mr. Slaughter moved to amend the report by adding a section to said bill repealing the act exempting the Albany guards from jury duty, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to lay off and organize a new county out of the counties of Washington, Emanuel and Laurens to be called Johnson, to attach the same to the Middle Judicial district, to the first Congressional district and to the second Brigade and first Division of Georgia Militia, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to prescribe the mode and manner of selecting, drawing and summoning jurors for the trial of criminal cases in the Superior Court of the county of Chatham, and for other purposes herein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize the Mayor and Aldermen of the city of Savannah and hamlets thereof and their successors in office to institute a system of drainage for the same, under certain conditions therein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to repeal a portion of an act entitled an act to change the county lines between the counties of Cass and Gordon and Gordon and Murray, and other counties therein named, approved March 6th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to change and establish the line between the counties of Jefferson and Emmanuel.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of Melissa A. H. Booker of the county of Gordon.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize the Inferior Court of Hancock to levy an extra tax for the purpose of establishing quarters for the poor of said county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to repeal the 3d and 4th sections of an act entitled an act to amend an act to incorporate the town of Lumpkin in Stewart county, assented to Dec. 26th, 1831, approved Jan. 17th, 1850, and prescribe the duty of the road commissioners.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize Duke Hamilton of Clarke county, an infirm man, to peddle and vend goods, wares and merchandize in the counties of the Western Judicial Circuit without a license for that purpose, as now required by law.

Mr. Reynolds moved to amend the report by adding a section to said bill authorizing John B. Hunter to peddle in the county of Newton without license, which was agreed to.

Mr. Harris of Merriwether moved further to amend the report by adding a section to said bill authorizing Edmond McCabbin to peddle in the county of Merriwether without a license, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,



A bill of the House of Representatives to be entitled an act to repeal an act entitled an act to amend the patrol laws of this State, approved Feb. 20th, 1854, so far as relates to the county of Walker.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate Kimbrough Lodge No. 118.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to change the line between the counties of Gilmer and Pickens so as to include lots of land numbers 139, 140, 141 in the 12th district of the second section, whereon D. S. McCraney and Leroy McCraney now lives in Gilmer county be added to the county of Pickens.

Mr. Tison moved to amend the report by adding a section to said bill changing the lines between Camden and Glynn counties, which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize the Justices of the Peace of the county of Gordon in and for the 849th District Georgia Militia; also of the county of Walton in and for the 417th District Georgia Militia to hold their Courts two days in certain cases.

And on motion of Mr. Bloodwoorth of Pike the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Courts of the county of Mitchell.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of Maream Chapman of the county of Hall, and executrix of the will of George Chapman, deceased, and for other purposes therein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate Gauling Lodge number 215 of free and accepted Masons of Fayette county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to alter and amend the 23d and 4th sections of an act entitled an act completely establishing the line between the counties of McIntosh and Liberty, from the Altamaha river to the north of Big Mortar Swamp, from there to the north end of Black Beard Island, to be established by commissioners therein named, who shall be governed by the law now existing, passed. A. D. 1793, assented to Dec 22d, 1857

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of John Needham Massey, otherwise called John Needam Massey Sneed, otherwise called John Needam Warren Massey, a minor, and orphan of Needham W Massey, deceased, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to repeal an act entitled an act to authorize overseers of the roads for Walker, Gwinnett, Forsyth, Cherokee, Bibb, Sumner and Gilmer counties, to appoint wardens and define their duties, approved December 11th, 1841, so far as relates to the county of Cherokee.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize the Justices of the Interior Court of Decatur county to appoint commissioners to lay off said county into school districts, and to apportion the poor school fund to each district.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to change the time of holding the Inferior Courts of the county of Appling.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to prevent the sale of spirituous liquors, from one to five gallons, in the county of Stewart, only on condition therein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate the trustees of the Mud Creek Baptist Camp Ground, and to confer certain privileges to said trustees.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend an act assented to 23d February, 1850, establishing a Justices' Court at Holmesville in Appling county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to consolidate the offices of tax collector and receiver of tax returns of the county of Haralson.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to reduce the official bond of the sheriffs hereafter to be elected in the counties of McIntosh and Schley, from the sum of twenty thousand dollars to the sum of ten thousand dollars.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to allow tax collectors in Decatur county their commissions on insolvent executions.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as a report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of David Edwin W Irwin of the county of Chatham, of James Smith of the county of Clay, of Francis Frith of the county of Randolph, of Henry Brunsen of the county of McIntosh, of Polly Ann Maryman of the county of Miller.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize and require the trustees of Trenton Academy to sell the same, together with the lot of land upon which it is located.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend the charter of the town of Calhoun, so as to give the town council of said town the power to impose a corporation tax on all retailers of spirituous liquors within the corporate limits of said town.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole

A bill of the House of Representatives to be entitled an act to incorporate Hudson Lodge No. 208 Free and Accepted Masons, situated at Glades Roads, Putnam county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to make Martha A. Cook of the county of Thomas, the adopted heir of Syntha Burke, and for other purposes.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to allow Sarah Bryan, wife of John W Bryan of Lee county, to act as a *feme sole*, and protect her property against her husband's debts.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act fixing the time of holding Inferior Courts in the counties of Charlton and Gordon.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of Maria Leary of the county of Houston.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of William Stanfill of the county of Lowndes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate the Penfield Railroad Company, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend an act to incorporate the Atlanta Medical College, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize and require the Justices of the Inferior Court of the county of Forsyth, to sell the old academy and lands belonging to the same in the town of Cumming, and apply the proceeds of the same as a poor school fund.

And on motion the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize H. J. Williamson, executor of John Williamson late of Emmanuel county, deceased, to sell the real estate of said deceased, at private sale.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize the Inferior Court of Washington county, to levy and collect an extra tax for the building of a Jail in said county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

*SATURDAY, DECEMBER 11th, 1858.*

9 O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Slaughter moved to reconsider so much of the journals of yesterday as relates to the vote by which a resolution in relation to the adjournment of the General Assembly on the 15th instant, was lost.

Upon agreeing to which motion Mr. Hill of Harris, required the yeas and nays, which being recorded were yeas 50 and nays 37.

Those who voted in the affirmative, are Messrs.

Adams of Rabun,	Graham,	Riley of Taylor,
Akins,	Griffin of Calhoun,	Slaughter,
Ashley,	Hammond,	Spalding,
Banks,	Harris of Worth,	Smith of Hancock,
Beall,	Hays,	Staten,
Briscoe,	Hixon,	Stokes,
Bartlett,	Jarrard,	Stowers,
Bozeman,	Johnson of Fayette,	Sutton,
Browning,	Johnson of Paulding,	Tate,
Bryan,	Jossey,	Thomas,
Byrd,	Knox,	Turner,
Cochran,	Matthews,	Walker,
Colquitt,	McDuffie,	West,
Cooper,	Neal,	Westbrooks,
Cumbe,	Paine,	Whitaker,
Fain,	Quillian,	Wilcher,
Gibson,	Riley of Lumpkin,	Williams of White,
Gordon,		Young of Union.

Those who voted in the negative are Messrs :

Adams of Elbert,	Fields,	Overstreet,
Arnold,	Gholston,	Reid,
Bennett,	Gresham,	Reynolds,
Billups,	Harris of Merriweth-	Robinson of Talbot,
Bloodworth of Car-	wether,	Shepherd,
roll,	Hill of Harris	Stubbs,
Bloodworth of Pike,	Hill of Sumter,	Stiles,
Bush,	Hill of Troup,	Strickland,
Carlton,	Holcombe,	Tison,
Cone,	Lockheart,	Ward,
Crowder,	Mattox,	Warthen,
Donaldson,	McConnell	Wooten,
Fambro,	McDonald,	Young of Irwin,

So the motion to reconsider did not prevail.

Mr. Paine from the Committee on Enrollment reported as duly enrolled and ready for the signature of the President of the Senate,

An act to repeal an act entitled an act, to compensate the grand and petit jurors for the county of Pickens and to authorize the Justices of the Inferior Court to levy an extra tax for that purpose, and to extend the provisions of this act to other counties therein named, approved March 6th, 1856, so far as respects Pickens county.

Also, an act to repeal an act entitled an act, to repeal so much of an act entitled an act to authorize the Justices of the Inferior Courts of the several counties in this State, to create and lay out any new district, or change and alter the lines of those already laid out assented to 23d, December 1839, so far as relates to the county of Cherokee assented to December 22d, 1840, and to legalize all districts made and lines changed by the Inferior Court of Cherokee county, since the passage of said act and legalize the acts by the officers elected in said district.

Also, an act for the relief of Mary Francis Nunar of Cobb, and Sterling S. Jenkins, of the county of Merriwether.

An act to repeal an act to consolidate the offices of Tax Collector and Receiver of Tax Returns, so far as respects the county of Worth.

An act for the relief of William S. Rackley, and to relieve him from certain disabilities.

On motion leave of absence was granted to Mr. Harris of Walton, for the balance of the session on account of indisposition.

On motion leave of absence was granted to Mr. Reynolds for the balance of the session after 12 o'clock to-day.

On motion leave of absence was granted to Mr. Harris of Merriwether on account of the indisposition of his family.

Mr. Thomas moved to reconsider so much of the journal of yesterday as relates to the vote by which,

A bill of the House of Representatives to be entitled an act to remove and prevent obstructions in and keep open one third of the main channel of the Chattahoochee river, from the line of Florida to the mouth of the Chestate river, was laid on the table for the balance of the session, which motion was lost.

Mr. Carlton moved to reconsider so much of the journals of yesterday as relates to the vote by which,

A bill of the House of Representatives, to be entitled an act to provide for the appointment and compensation of a board of visitors to Franklin College, and to prescribe their duties, was lost, which motion was lost.

Mr. Knox from the Committee on Journals made the following report,

The Committee on Journals beg leave to report that they have examined and compared the journals with the records and take pleasure in bearing testimony to the neatness, accuracy, fidelity and ability, which the clerks of this Department have discharge their duty.

Your Committee recommend in consequence of the accumulated business, yet to be recorded in that office the adoption of the following resolution,

*Resolved*, That the recording clerks of the Senate, be allowed thirty days to record the journals and twenty days to make an index to the same, and that the Secretary of the Senate be allowed six days to label and file away the bills resolutions &c. of the Senate.

SAMUEL KNOX, Chairman.

Mr. Stubbs moved that the Senate bills amended by the House of Representatives be taken up, which was agreed to.

The amendments of the House of Representatives to,

A bill of the Senate to be entitled an act to amend an act pointing, out the mode of collecting a certain description of debts therein mentioned, and to extend the provisions of the same was taken up, and on motion of Mr. Bloodworth of Carroll the amendment was concurred in.

The following message was received from the House of Representatives by Mr. Shropshire their clerk:—

*Mr. President:*—The House has agreed to the following resolutions of the Senate, to wit:

A resolution in reference to the establishing a National Armory within the limits of this State.

A resolution in reference to the collection of certain bonds given by agents of the Western and Atlantic Railroad.



A resolution in reference to having certain mail routes established in this State.

A resolution requesting his Excellency the Governor to furnish Howell Cobb, Esq., of Houston county, with certain acts of the General Assembly.

A resolution constituting a standing committee on public education and free schools.

A resolution authorizing his Excellency the Governor to deliver to James A. Greene, all papers in relation to the claim of Peter Tresevant.

A resolution in reference to having certain mail lines established in Cherokee and Dawson counties.

A resolution in reference to having an act passed by the General Government for refunding certain sums of money advanced by her citizens in the various Indian wars, from 1794 to 1837, and to secure to those citizens, their widows or orphans, the benefits of the Bounty Land Law, &c.

They have also, concurred in the amendments of the following bills of the House, to-wit:

A bill to consolidate the offices of the Clerks of the Superior and Inferior Courts of Glascock and Webster counties.

A bill to incorporate Phi Delta Lodge No. 148, and Carnesville Lodge No. 186, of Free and Accepted Masons, in Franklin county.

A bill to change the time of holding the Inferior Courts of the counties of Forsyth and Cherokee.

Also, a bill to consolidate the offices of Tax Receiver and Collector in the counties of Pierce and Worth.

The following message was received from His Excellency the Governor, by Mr. McComb his Secretary:

*Mr. President:* The Governor has assented to, and signed the following acts, to-wit:

An act to collect interest on open accounts in this State after they are due, and to fix the time when accounts shall fall due, when the same is not agreed upon by the parties.

An act to amend an act, to change and simplify the practice and pleadings in this State, approved February 20th, 1854.

An act to authorize the Justices of the Peace in any militia district in this State to adjourn their Courts from day to day, or to hold Court two or more days in each month, whenever the business of any of their Courts require it.

An act to declare the true intent and meaning of an act entitled an act to authorize the Justices of the Inferior Court of the county of Gwinnett to levy an extra tax to pay for the erection of a new Court House in said county, approved March 1st, 1856, and to amend the caption of said act, and for other purposes.

An act to allow the Justices of the Inferior Court of Dade

county, to levy and collect a Poor Tax, not to exceed twenty per cent on the general tax.

An act to amend an act entitled an act to incorporate the city of Americus.

An act to incorporate the Washington Rifles, and to grant unto them certain privileges.

An act to alter and amend the laws of this State, in relation to notices to be given by insolvent debtors to their creditors.

An act to confer certain rights and powers on the Justices of the Inferior Court of the county of Lincoln, in relation to granting licenses to retail Liquors and to keep tippling houses.

An act for the relief of Loverd Bryan from his executorship.

An act to change the county line between Henry and DeKalb counties.

An act to change the time of holding the Inferior Court in the county of Clinch.

An act to make legal and valid the acts of George W Harris of the State of Mississippi, as executor of Jephtha G. Harris and for other purposes.

An act to alter and amend the fourteenth section of the fifth division of the Penal Code of this State.

An act to lay out and organize a new county from the counties of Stewart and Randolph and for other purposes.

An act to incorporate the Presbyterian Church of Walthourville in Liberty county, and to incorporate the Savannah Flour Mill Company.

The amendment of the House of Representatives to a bill of the Senate to be entitled an act to compensate the jurors of the county of Jefferson, and for other purposes; was taken up, and on motion, the amendment was concurred in.

The amendment of the House of Representatives to a bill of the Senate, to be entitled an act, to legalize and make valid the Sheriff's bond of the county of Glascock; was taken up, and on motion, the amendment was concurred in.

The amendment of the House of Representatives to a bill of the Senate, to be entitled an act to change the times of holding the Superior Courts of the counties of Baker and Mitchell, was taken up, and on motion, the amendment was concurred in.

The amendment of the House of Representatives to a bill of the Senate, to be entitled an act to alter, change and amend the second section of an act to incorporate and convey certain powers and privileges upon the Sandersville Hotel Company, the Pioneer Hook and Ladder Company, and the Church Asylum of Augusta, approved March 5th, 1856; was taken up, and on motion, the amendment was concurred in.

The amendment of the House of Representatives to a bill of the Senate, to add numbers 219, 254 and 256, in the fourth district of Irwin to the county of Wilcox, was taken up, and on motion, the amendment was concurred in.

The amendment of the House of Representatives to a bill of the Senate, to be entitled an act to amend an act entitled, an act to regulate the rates of license in this State, so far as relates to the county of Wilcox; was taken up, and on motion, the amendment was concurred in.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk :

*Mr. President* :—The House has concurred in the amendments of the Senate, of the bill of the House, to define the lines between the counties of Schley and Macon, and other counties therein named, with the exception of those in reference to Sumter county, to which amendment they disagree.

They have agreed to the amendments of the Senate to the following bills, to-wit :

A bill to alter and amend the first section of an act to alter and amend the Road Laws of this State, approved December 19, 1818, so far as relates to the appointment of commissioners for the county of Gordon, and for other purposes.

A bill to provide for the compensation of grand and petit jurors of Dawson county, in the Superior and Inferior Courts of said county, and for other purposes.

A bill for the relief of Alexander Teague of the county of Union, &c. and Ira L. Nobles of Terrell county.

Also, a bill to establish a Board of Education in the county of Lincoln, and for other purposes therein mentioned.

Mr. Paine from the committee on Enrollment, reported as duly enrolled, and signed by the Speaker of the House and ready for the signature of President of the Senate, the following acts, to wit :

An act to extend the writ of Certiorari to possessory warrants.

Also, an act relative to the issuing of executions.

Also, an act to make valid and binding, the subscription heretofore made by the Mayor and Council of the city of Columbus, &c.

Mr. Fields moved to suspend the rules for the purpose of taking up the resolutions on the Secretary's desk; which was agreed to.

And a resolution of the House of Representatives, in relation to the erection of a National Depot on Blythe Island, was taken up, read and concurred in.

The resolution previously offered by Mr. Paine, in relation to the belt of pine lands in the Southern part of this State; was taken up, read and agreed to.

The resolution offered to-day by the committee on Journals, was also taken up, read and agreed to.

The resolution previously offered by Mr. Fields, in relation to the reduction of freight on iron manufactured in Georgia, on the Western and Atlantic Railroad, was taken up.

Mr. Hill of Harris, moved to lay the resolution on the table for the balance of the session. Upon agreeing to which motion, Mr. Spaulding required the yeas and nays, which being recorded were, yeas 43, nays 46.

Those voting in the affirmative are Messrs :

Adams of Elbert,	Drake,	Reid,
Akins,	Fambro,	Reynolds,
Arnold,	Gordon,	Robinson of Talbot,
Bartlett,	Gresham,	Shepherd
Beall,	Griffin of Calhoun,	Slaughter,
Bennett,	Griffin of Twiggs,	Spalding,
Billups,	Harris of Merriwe-	Smith of Hancock,
Bryan,	er,	Staten,
Bush,	Hays,	Turner,
Carlton,	Hill of Harris,	Walker,
Cochran,	Hill of Sumter,	Ward,
Cone,	Hixon,	Warthen,
Crowder,	Jossey,	Webb,
Dawson,	McRea,	Westbrooks
Donaldson,	Morell,	

Those who voted in the negative are Messrs :

Adams of Rabun,	Hammond,	Riley of Lumpkin,
Atkinson,	Harris of Worth,	Riley, of Taylor,
Ashley,	Hill of Troup,	Shropshire,
Banks,	Holcombe,	Stiles,
Bloodworth of Car-	Jamison,	Stowers,
roll,	Jarrard,	Stubbs,
Bloodworth of Pike,	Johnson of Fayette,	Sutton,
Browning,	Johnson of Pauld-	Tate,
Byrd,	ing,	Tucker,
Colquitt,	Knox,	Tucker,
Cooper,	Lockheart,	Whitaker,
Cumbie,	Matthews,	Wilcher,
Fain,	McConnell,	Wilcoxson,
Felton,	Neal,	Williams of Berrien,
Fields,	Price,	Williams of White,
Gholston,	Quillian,	Young of Union,
Graham,		

So the motion to lay on the table for the balance of the session, did not prevail.

Mr. Spalding called for the previous question, which being seconded, the main question was ordered to be put. The main question was then put which was upon agreeing to the resolution.

Upon which motion Mr. Stubbs required the yeas nays, which being recorded were yeas 46, nays 41.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Harris of Worth,	Riley of Taylor,
Arnett,	Hill of Troup,	Shropshire,
Atkinson,	Holcombe,	Stiles,
Ashley,	Jamison,	Stubbs,
Bloodworth of Car-	Jarrard,	Sutton.
roll,	Johnson of Fayette,	Tate,
Bozeman,	Johnson of Pauld-	Thomas,
Browning,	ing,	Tucker,
Bullard,	Knox,	Turner,
Byrd,	Matthews,	Westbrook\$,
Cooper,	McConnell,	Whitaker
Fain,	McDuffie,	Wilcher,
Felton,	Neal,	Williams of Berrien,
Fields,	Price,	Williams of White,
Gholston,	Quillian,	Wooten,
Gibson,	Riley of Lumpkin,	Young of Union.

Those who voted in the negative are Messrs :

Adams of Elbert,	Donaldson,	Robinson of Talbot,
Akins,	Drake,	Shepherd,
Arnold,	Gordon,	Slaughter,
Banks,	Graham,	Spaulding,
Bartlett,	Gresham,	Smith of Hancock,
Bennett,	Griffin of Twiggs,	Staten,
Billups,	Hays,	Stowers,
Bloodworth of Pike,	Hill of Harris,	Walker,
Bryan,	Hill of Sumter,	Ward,
Bush,	Hixon,	Webb,
Cone,	McRea,	West,
Crowder,	Morell,	Wilcoxson,
Cumbie,	Reid,	
Dawson,	Reynolds,	

So the resolution was agreed to.

The resolution previously offered by Mr. Ward, in relation to furnishing the Choctaw Indians with certain books was taken up read and agreed to.

The resolution previously offered by Mr. Strickland, in relation to referring the question of reduction of the number of members of the General Assembly was taken up read and lost.

The resolution previously offered by Mr. Jamison, in rela-

tion to requesting the Treasurer to set forth the amount paid each member, in his next annual report, was taken up, read and agreed to.

The resolution previously offered by Mr. Gholston, in relation to the removal of the Penitentiary, was taken up, read and laid on the table for the balance of the session.

Mr. Paine from the Committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following acts, to-wit :

An act to consolidate the offices of tax receiver and collector of Pierce county, and to dissolve the offices of tax collector and receiver of the county of Worth.

An act relative to division of property in the hands of administrators, executors and guardians.

An act to appropriate money for the Medical College of Georgia.

The resolution previously offered by Mr. Paine, in relation to a portrait of James Jackson, was taken up, read and agreed to.

The resolution previously offered by the Committee on Printing, in relation to the printing of the journals, &c., was taken up, read, and on motion, so amended as to apply to the next Legislature.

The resolution as amended was then agreed to.

The resolution previously offered by Mr. Gordon, in relation to requesting the Governor to furnish certain books to Justices of the Peace in Walker county, was taken up, read and agreed to.

The resolution previously offered by Mr. Fields, in relation to the leasing of the old Iron on the Western and Atlantic Railroad to the Etowah Railroad, was taken up and read.

Mr. Quillian moved to amend the resolution by extending its provisions to the Elijah Railroad Company, which was agreed to.

Upon the passage of the resolution as amended, Mr. Griffin of Twiggs required the yeas and nays, which being recorded were yeas 50, nays 38.

Those who voted in the affirmative are Messrs :

Adams of Rabun,	Hixon,	Slaughter,
Atkinson,	Holcombe,	Stiles,
Banks,	Jamison,	Stokes,
Bartlett,	Jarrard,	Strickland,
Bloodworth of Car-	Johnson of Fayette,	Sutton,
roll,	Johnson of Pauld-	Tate,
Bullard,	ing,	Thomas,
Byrd,	Jossey,	Tison,
Colquitt,	Matthews,	Turner,
Cumbie,	McDonald,	West.

Fain,	Mounger,	Whitaker,
Fields,	Price,	Wilcher,
Gholston,	Quillian,	Williams of Berrien,
Gibson,	Roberts,	Williams of White,
Graham,	Riley of Lumpkin,	Wooten,
Harris of Worth,	Riley of Taylor,	Young, of Irwin,
Hays,	Shropshire.	Young of Union
Hill of Troup,		

Those who voted in the negative are Messrs :

Adams of Elbert,	Donaldson	Pope,
Arnold,	Drake,	Reid,
Ashley,	Fambro,	Robinson of Talbot,
Bartlett,	Felton,	Shepherd,
Billups,	Gordon,	Spalding
Bloodworth of Pike,	Gresham.	Smith of Hancock,
Browning,	Griffin of Twiggs,	Walker,
Bush,	Harris of Merriweth-	Ward,
Carlton,	er,	Warthen,
Cooper,	Hill of Harris,	Webb,
Cone,	McRea,	Westbrooks,
Crowder,	Morell,	Wilcoxson,
Dawson,	Neal,	

So the resolution was agreed to.

Mr. Briscoe, from the Committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following acts to-wit :

An act to consolidate the offices of the Clerks of the Superior and Inferior Courts of the county of Glasscock, and for other purposes.

Also an act to alter and amend the 15th section of the 14th division of the penal code.

An act to appropriate money for the repairs of the Penitentiary, and for other purposes therein mentioned.

The resolution previously offered by Mr. Stubbs, in relation to the committee on Enrollment, was taken up, read, and on motion of the same was laid on the table for the balance of the session.

A resolution of the House of Representatives in relation to the State releasing certain lands to the city of Columbus, was taken up, read and concurred in.

A resolution of the House of Representatives in relation to a post route from Dahlonga via Cleveland to Clarksville, was taken up, read and concurred in.

A resolution of the House of Representatives in relation to the establishment of a National Armory in this State was taken up, read and concurred in.

The resolution of the House of Representatives in relation to the establishment of a post route from Atlanta to Cumming, Forsyth county, was taken up, read and agreed to.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk:

*Mr. President* :—The House has passed the following bills of the Senate, to-wit:

A bill for the relief of commissioners of Altamaha river.

A bill to repeal all laws relating to head rights, so far as they apply to the county of Washington.

A bill for the relief of John B. Griffin, of the county of Muscogee, and Seaborn Whithurst of the county of Pulaski

A bill to alter and amend the road laws of this State so far as relates to the county of Oglethorpe, &c.

A bill to change the line between the counties of Elbert and Hart, so as to include one hundred and seven acres and the residence thereon, of Allen S. Turner, now in the county of Elbert, &c.

A bill to alter and amend an act in relation to the poor school system so far as relates to the counties of Lumpkin and Rabun, and for other purposes.

A bill to incorporate the Fort Valley and Atlantic Railroad company, &c.

A bill to allow the Wills Valley Railroad Company the privilege of issuing an order for the purpose of facilitating the building said road, or accommodating the stockholders of said company.

A bill to incorporate the town of Waresboro and provide for the government of the same.

A bill to authorize the issuing of attachments and garnishments and to regulate proceedings in relation to the same, and for other purposes therein mentioned.

The House has disagreed to the amendment of the Senate in relation to the public records of counties where they have been destroyed by fire, &c., approved March 5th, 1856.

The House has also passed the following bills of the Senate, to wit:

A bill to be entitled an act to authorize the Inferior Court of Hart county to pay over certain money to the Ordinary of said county for certain purposes therein named.

A bill to amend an act to incorporate the town of St. Marys, &c.

A bill to define the line between the counties of Montgomery and Tattnall, and between the counties of Tattnall and Emmanuel.

A bill to alter and amend the 2d section of the sixth division of the penal laws of this State.

A bill to authorize the Justices of the Inferior Court of Haralson county to levy an extra tax for the purpose of extinguishing the public debt, and for other purposes.



A bill to compensate the Grand and Petit Jurors in the county of Emmanuel, and to provide for the payment of the same.

A bill to authorize the jailor of Richmond county to collect his fees in advance.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the relief of John M. Willhite of the county of Jackson.

Mr. Bloodworth of Pike moved to amend the report by inserting "\$3604" in the first section of the bill, which was agreed to.

Mr. Billups moved further to amend the report by filling up the blank with "\$3304," which was agreed to.

Mr. Billups called for the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was on agreeing to the report as amended. And the report was agreed to. The bill was read the third time. Mr. Billups called for the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was shall this bill now pass?

Upon which motion Mr. Cone required the yeas and nays, which being recorded were yeas 44, nays 43.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Gresham,	Riley of Lumpkin,
Adams of Rabun,	Hays,	Shepherd,
Akins,	Hill of Harris,	Shropshire,
Billups,	Hill of Troup,	Smith of Hancock,
Briscoe,	Hixon,	Stowers,
Brown,	Jamison,	Strickland,
Bullard,	Jarrard,	Sutton,
Byrd,	Johnson of Fayette,	Thomas,
Carlton,	Knox,	Tison,
Colquitt,	Matthews,	Tucker,
Crowder	McGuire,	Westbrooks,
Felton,	Morell,	Whitaker,
Gholston,	Paine,	Williams of White,
Gibson,	Price,	Wooten,
Gordon,	Robinson of Talbot,	

Those who voted in the negative are Messrs :

Arnett,	Graham,	Reid,
Arnold,	Griffin of Twiggs,	Roberts,
Atkinson,	Harris of Merri-	Riley of Taylor,
Bartlett,	wether,	Slaughter,
Beall,	Harris of Worth,	Saten,

Bennett,	Hill, of Sumter,	Stokes, r
Bloodworth of Car-	Johnson of Pauld-	Tate,
roll,	ing,	Walker,
Bloodworth of Pike,	Jossey,	Ward,
Brown,	Lockheart,	Warthen
Bush,	Mattox,	Webb,
Cone,	McDonald,	West,
Donaldson.	McRea,	Wilcher,
Fain,	Mounger,	Williams of Berrien,
Fambro,	Pope,	Young of Irwin,
Fields,		

So the bill was passed.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk:

*Mr. President:*—The House has passed the following bills of the Senate, to wit:

A bill to provide for the protection of forest trees and other timber in the county of Whitfield, and to punish certain offences in violation thereof.

A bill to amend an act to incorporate the Macon Insurance Company in the city of Macon.

And to strike out a proviso in the same.

A bill to provide for the taking the census of the State of Georgia, &c.

A bill to incorporate the town of Dahlonega in the county of Lumpkin, and provide for the election of commissioners for the same, and for other purposes.

A bill to amend the Registry Laws of the city of Savannah.

A bill for the relief of Amanda C. Flournoy of the county of Washington.

Also, a bill to fix and make certain the time of holding the election of Judges of the Superior Court of the Pataula Circuit.

The following message was received from his Excellency the Governor by Mr. McComb, his Secretary:

*Mr. President:*—The Governor has assented to and signed the following acts, to wit:

An act to repeal an act to consolidate the offices of Tax Collector and Receiver of Tax Returns so far as respects the county of Worth.

An act to repeal an act entitled an act to repeal so much of an act entitled an act to authorize the Justices of the Inferior Courts in this State to create and lay out any new district or change and alter the lines of those already laid out, assented to 23d December, 1839, so far as relates to the county of Cherokee, assented to Dec. 22d, 1840; and to legalize all districts made and lines changed by the Inferior Court of

Cherokee county since the passage of said act, and to legalize the acts done by the officers elected in said district.

An act to repeal an act entitled an act to compensate the Grand and Petit Jurors for the county of Pickens and to authorize the Justices of the Inferior Court to levy an extra tax for that purpose, and to extend the provisions of this act to other counties therein named, approved March 6th, 1856, so far as respects Pickens county.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to abolish the public execution of criminals condemned to death by the laws of Georgia, and to provide for their execution in private.

The committee on the Judiciary moved to amend the report by striking out all of the 2d section after the words "shall be," and by inserting in lieu thereof the words "guilty of a high misdemeanor and on conviction shall be fined in the sum of one thousand dollars."

Mr. McDonald moved to lay the report and amendment on the table for the balance of the session.

Upon agreeing to which motion Mr. Tucker required the yeas and nays, which being recorded were yeas 46, nays 41.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Gholston,	Sutton,
Arnett,	Graham,	Tate,
Banks,	Gresham,	Thomas,
Beall,	Hays,	Tison,
Bennett,	Hixon,	Walker,
Bloodworth of Carroll,	Holcombe,	Ward,
Bloodworth of Pike,	Jarrard,	Webb,
Brown,	Johnson of Pa'lding,	West,
Browning,	Mattox,	Westbrooks,
Bryan,	McDonald,	Whitaker,
Bullard,	McRea,	Wilcher,
Bush,	Morell,	Williams of Berrien,
Crowder,	Roberts,	
Donaldson,	Riley, of Lumpkin	Williams of Terrell,
Fain,	Staten,	Wooten,
	Strickland,	Young, of Union,

Those voting in the negative are Messrs :

Adams of Rabun,	Gordon,	Mounger,
Arnold,	Griffin of Calhoun,	Neal,
Bartlett,	Griffin of Twiggs,	Pope,
Phillips,	Harris of Worth,	Price,
Briscoe,	Hill of Harris,	Reid,
Byrd,	Hill of Sumter,	Shepherd,

Carlton,	Hill of Troup,	Slaughter,
Colquitt,	Jamison,	Smith of Hancock
Cooper,	Jossey,	Stokes,
Dawson,	Lockheart,	Tucker,
Fambro,	Mallard,	Warthen,
Felton,	Matthews,	Williams of White,
Fields,	McDuffie,	Young of Irwin,
Gibson,	McGuire,	

So the motion to lay the report on the table for the balance of the session prevailed.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk :

*Mr. President* :—The House has concurred in the amendment of the Senate to a bill for the relief of Jno. M. Wilhite.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the pardon of Benjamin Knight, now confined in the Penitentiary.

The report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk :

*Mr. President* :—The House has passed the following bills of the Senate, to wit :

An act for the relief of Mrs. Mary Jane Warren, of the county of Houston.

A bill to incorporate the town of Thompson in Columbia county.

A bill to amend the acts in relation to taking cases to the Supreme Court.

A bill for the better government of the Western and Atlantic Railroad, and to provide a summary process to collect money due by fiscal agents.

A bill for the relief of David Dyer of the county of Morgan, and Overton Sego of the county of Bibb, &c. &c.

A bill to authorize and require the Justices of Inferior Courts of the county of Cass to levy an extra tax, &c. &c.

A bill to amend the charter of the city of Macon.

A bill to regulate the granting of retail licenses and sale of spirituous liquors in the county of Clay.

A bill to make permanent the site of the public building of the county of Walton at Monroe, and to incorporate the same, assented to 30th Nov., 1821.

A bill to extend the corporate limits of the town of Hartwell in Hart county.

The House has concurred in the amendment of the Senate to the bill of the House to authorize Duke Hamilton of

Clarke county to peddle without license, and also other persons therein named.

On motion of Mr. Colquitt the rules were suspended for the purpose of offering a resolution.

Mr. Colquitt offered the following resolution, which was taken up, read and agreed to, to-wit:

*Resolved*, That the committee appointed to bring up the unfinished business of the Senate be allowed six days instead of three.

Mr. Briscoe from the committee on Enrollment report as duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate, the following act, to-wit:

An act to authorize the Justices of the Inferior Court of Pickens county, to levy and collect an extra tax for the purpose of paying the county debt, created by building the Court House in said county.

An act to change the line between the counties of Ware and Pierce.

An act to repeal an act, approved February 15th, 1854, to extend the provisions of an act, to regulate the fees of Magistrates and constables &c., so far as relates to the county of Warren.

An act to change the line between the counties of Wayne and Glynn, so as to include the residence of James Stafford in the county of Wayne, also to change the line between the counties of Miller and Early.

A resolution requesting our Senators and Representatives in Congress, to use their influence in procuring certain mail lines herein named.

An act to incorporate the Gwinnett Manufacturing Company of the county of Gwinnett, and to define the rights privileges and liabilities of the same.

A resolution in reference to furnishing Howell Cobb with certain acts.

A resolution in relation to suit on the bonds given by agents of the Western and Atlantic Railroad.

An act to lay out and organize a new county from the counties of Lowndes and Thomas and for other purposes therein specified.

A resolution in regard to our Senators being instructed and our Representatives being requested to use their influence, to have an act passed by Congress refunding the various sums advanced as stated in said resolution.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled "an act to make the receivers of tax returns in the several counties of this State, hereafter to be elected, assessors of taxes in certain cases hereinafter named, and for other purposes.

The report was agreed to, the bill was read the third time. And upon the question shall this bill now pass? Mr. McDonald required the yeas and nays, which being recorded were yeas 57, nays 18.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Gibson,	Quillian,
Adams of Rabun,	Gordon,	Reid,
Akins,	Graham,	Roberts,
Arnett,	Gresham,	Riley of Lumpkin,
Arnold,	Harris of Worth,	Shepherd,
Banks,	Harris,	Slaughter,
Beall,	Hill of Troup,	Smith of Hancock,
Bloodworth of Car-	Hixon,	Stiles,
roll,	Holcombe,	Stokes,
Briscoe,	Johnson of Pauld-	Strickland,
Byrd,	ing,	Sutton,
Carlton,	Jossey,	Tate,
Oolquitt,	Lockheart,	Tucker,
Cooper,	Matthews,	Ward,
Cone,	McGuire,	Warthen,
Crowder,	Mounger,	Webb,
Fain,	Neal,	West,
Fambro,	Paine,	Whitaker,
Felton,	Pope,	Young of Irwin,
Fields,	Price,	Young of Union,

Those who voted in the negative, are Messrs.

Bloodworth of Pike,	Griffin of Twiggs,	Stowers,
Browning,	Jamison,	Thomas,
Bush,	Jarrard,	Walker,
Donaldson,	Mallard,	Westbrooks,
Gholston,	McDonald,	Wilcher,
Griffin of Calhoun,	Robinson of Talbot,	Williams of Berrien,

So the bill was passed.

The hour for adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

#### AFTERNOON SESSION.

3 O'CLOCK, P. M.,

The Senate met according to adjournment.

On motion leave of absence was granted to Mr. Young of

Irwin, after 5 o'clock this evening for the balance of the session.

Mr. Paine from the Committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following acts, to-wit :

An act to change the time of holding the Inferior Courts in the counties of Forsyth and Cherokee.

An act to authorize the Justices of the Inferior Courts of the several counties in this State, upon the recommendation of the grand juries thereof to assess and collect a tax for the payment of grand and petit jurors, and then at their pleasure, to discontinue and again reassess the same upon said recommendation.

An act to compensate the grand and petit jurors of Dawson county, in the Superior and Inferior Courts of said county, and to provide for the payment of the same.

An act to authorize the Georgia Railroad and Banking Company to build a branch road to the town of Eatonton in Putnam county, and for other purposes.

An act to lay out and organize a new county from the counties of Habersham and Franklin, and for other purposes.

An act to alter and amend the road laws of this State, approved 19th, December 1818, so far as relates to the appointment of commissioners for the counties of Gordon and Bibb, and to define the time for which said commissioners shall be appointed, and for other purposes.

An act authorizing witnesses residing out of this State, to prove the execution of deeds and other instruments in writing by making oath in writing, under certain provisions\*herein named.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk :

*Mr. President* :—The House has passed the following bills of the Senate, to-wit :

A bill to incorporate the town of Alpharetta in Milton county, and for other purposes.

A bill to locate the road hands living upon Chambers island and Potosi, upon Rifle Cut.

A bill to add a part of the county of Gilmer to the county of Fannin, and for other purposes herein mentioned.

A bill to amend an act to incorporate a town to be called "Warsaw" approved March, 5th, 1856.

A bill to incorporate an academy in the county of Thomas and to appoint trustees for the same.

A bill to incorporate the Methodist Episcopal Church at "Prospect" in the county of Thomas.

A bill to prescribe the time for holding certain Superior Courts of this State.

A bill to amend an act to incorporate the Moccasin Turnpike Road Company, in the county of Rabun, approved March 3d, 1856, and to grant certain privileges to the same.

A bill for the relief of Amy Clark, formerly of Baker now Mitchell county.

A bill to repeal all laws, exempting from taxation stock owned by the State in banks.

A bill to prevent the escheat of the property of Curtis G. Gray of the county of Houston, and to carry out the intention of said "Gray" as to his estate.

A bill to change and fix the time of holding the Superior Courts of the county of Lumpkin, and to authorize the drawing, and summoning two panels of grand jurors, and for other purposes.

A bill to define the liability of stockholders in banks, and other chartered institutions in this State.

A bill to alter and change the mode of electing the Marshal in the city of Marietta, Cobb county.

A bill to compensate the teachers of night schools, for the institution of poor children connected with Manufacturing institutions, within the State of Georgia.

A bill to require the Judges of the Inferior Court of Franklin and Thomas counties, to appoint a board of commissioners &c. &c.

The House has concurred in the amendments of the Senate to the following bills of the House, to-wit:

A bill to change the line between the counties of Gilmer and Pickens, so as to include lots of land numbers 111, 139, 140, 185, 211, 212, in the 12th district of the 2d section of originally Cherokee, now Gilmer, so as to include the residence of David McArther, E. McArther, D. S. McCrvey and Leroy McCrvey, now in the county of Gilmer, and add the same to the county of Pickens, and for other purposes.

Also a bill to amend the 3d section of an act entitled an act to prescribe the manner in which the names of persons may be changed, and for other purposes therein mentioned.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the laws in regard to defaulting tax payers, and to prescribe the duty of tax collectors in such cases; to change the oath of tax collectors; to tax the managers of lotteries in this State, and to prescribe the forfeiture of the venders of lottery tickets in lotteries out of this State, and the manner of collecting the same. The tax on insurance companies out of this State when agencies are established in this State, and where the taxes shall be paid. Duty of Comptroller General in case of failure. Tax on foreign bank agencies established in this State, and duty of Comptroller when they fail to make returns; explains the ad valorem system and what shall be given in for taxation,



and prescribes the oath of tax payers. Railroad Companies required to make their returns of taxes to the State Treasurer. Time prescribed and the penalty of failure. The Comptroller General directed to employ other counsel than Attorney General or Solicitors, in certain cases by advice of the Governor, and shall fix the fees. Tax laws to be digested and printed, duty of Governor and Comptroller General therein, to be distributed to the receivers and collectors of taxes, their duty prescribed, and their successors in office and their duty.

Mr. Slaughter moved to amend the report by striking out the 10th section of said bill in relation to giving in lands, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Paine, from the Committee of Conference, made the following report :

The Joint Committee appointed to consider the difference existing as to the amendments of the Senate to the bill of the House of Representatives to be entitled an act to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt and to provide for the education of the children in the several counties of the State, have had the same under consideration and beg leave to report the following bill in lieu of the action of the House of Representatives and the Senate on said bill to-wit :

A bill to be entitled an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt.

On motion of Mr. Cone the report was taken up, read and agreed to.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act for the support of the Georgia Academy for the Blind.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend an act entitled an act to incorporate the Georgia Air Line Railroad Company, and to confer on them certain powers and privileges therein mentioned, approved March 5th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to appropriate money for the compensation of G. W. Ander-

son and others for the apprehension of the murderers of Samuel Landrum.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to appropriate money for the completion of the State Lunatic Asylum, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time, and upon the question shall this bill now pass? Mr. Riley of Lumpkin, required the yeas and nays, which being recorded were, yeas 59, nays 29.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Hill of Sumter,	Robinson of Talbot.
Adams of Rabun,	Hill of Troup,	Riley of Taylor,
Arnett,	Harris, of Worth,	Slaughter,
Akins,	Hixon,	Spalding,
Ashley,	Jarrard,	Smith of Hancock,
Beall,	Jossey,	Stiles,
Briscoe,	Lockheart,	Stokes,
Brown,	Mallard,	Sutton,
Bullard,	Matthews,	Thomas,
Byrd,	McConnell,	Tison,
Carlton,	McRea,	Walker,
Cooper,	Morell,	Ward,
Crowder	Mounger,	Warthen,
Cumbie,	Neal,	West,
Felton,	Paine,	Westbrooks,
Gibson,	Pope,	Wilcher,
Gresham,	Price,	Williams of Terrell,
Hammond,	Quillian,	Williams of White,
Harris of Merriwe-	Reid,	Wooten,
er,	Roberts,	Young of Union,

Those who voted in the negative are Messrs :

Banks,	Fain,	McGuire,
Bennett,	Fields,	Overstreet,
Bloodworth of Car-	Gholston.	Riley of Lumpkin,
roll,	Graham,	Shepherd,
Bloodworth of Pike,	Griffin of Calhoun.	Shropshire,
Browning,	Hays,	Stowers,
Bryan,	Johnson of Pauld-	Strickland,
Colquitt,	ing,	Tate,
Cope,	Mattox,	Webb,
Donaldson,	McDonald,	Young of Irwin,

So the bill was passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to allow compensation for the consolidated index of plats to colonial and head right grants in the Surveyor General's office.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize guardians to act as administrators in certain cases, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize Ordinaries of this State to issue cost fi. fas. generally.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize coroners to appoint deputies.

And on motion of Mr. Harris of Worth, the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend an act entitled an act to protect the estates of orphans and to make permanent provisions for the poor, approved December the 13th, A D. 1792.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to alter and amend the third section of an act to alter and amend the road laws of this State, approved December 19th, 1818, in relation to warning hands by the overseers and to authorize the overseers to warn one day before the working of the roads.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to appropriate the sum of fifteen hundred dollars to the build-

ing of a turnpike and bridge across Spring Creek, west of the town of Colquitt, in Miller county

Mr. Adams of Elbert, called for the previous question, which being seconded, the main question was ordered to be put. The main question was put, which was on agreeing to the report of the committee of the whole.

And the report was agreed to, the bill was read the third time, and upon the question shall this bill now pass? Mr. Bush required the yeas and nays, which being recorded, were yeas 51, nays 27.

Those who voted in the affirmative are Messrs :

Arnett,	Hill of Harris,	Shropshire,
Ashley,	Hill of Sumter,	Slaughter,
Bennett,	Hill of Troup,	Staten,
Bloodworth of Car-	Hixon,	Stiles,
roll,	Holcombe,	Stokes,
Bloodworth of Pike,	Johnson of Pauld-	Strickland,
Briscoe,	ing,	Sutton,
Bryan,	Knox,	Thomas,
Bullard,	Lockheart,	Tison,
Bush,	Mattox,	Ward,
Byrd,	Matthews,	Webb,
Oumbie,	McDonald,	West,
Donaldson,	Overstreet,	Westbrooks,
Felton,	Paine,	Williams of Terrell,
Fields,	Quillian,	Wooten,
Gibson,	Roberts,	Young of Irwin,
Gordon,	Riley of Taylor,	Young of Union.
Gresham,	Shepherd,	

Those who voted in the negative are Messrs :

Adams of Elbert,	Fambro,	Pope,
Adams of Rabun,	Gholston,	Reid,
Akins,	Graham,	Robinson of Talbot,
Banks,	Gritlin of Twiggs,	Riley of Lumpkin,
Bartlett,	Harris of Worth,	Smith of Hancock,
Beall,	Hays,	Stubbs,
Carlton,	Jarrard,	Tate,
Crowder,	McConnell,	Warthen,
Fain,	Mounger,	Williams of White,

So the bill was passed.

Mr. Paine, from the committee on enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following acts, to-wit :

An act to incorporate Gaulding Lodge No. 215 of Free and Accepted M<sup>a</sup>sons of Fayette county.

An act fixing the time of holding Inferior Courts in the counties of Charlton and Gordon.

An act for the relief of Maria Leary, formerly Maria Sm<sup>a</sup> of the county of Houston.

An act to repeal the 3d and 4th sections of an act entitled an act to amend an act to incorporate the town of Lumpkin in Stewart county, assented to Dec. 26, 1831, approved January 17, 1850, and for other purposes.

An act to amend the several acts in relation to the assignment of dower, assented to Feb. 21, A. D., 1850.

An act for the relief of John Needham Massey, and for other purposes therein mentioned.

An act for the relief of Mariam Chapman of the county of Hall, executrix of the will of George Chapman, deceased, and for other purposes.

An act to consolidate the office of clerk of the Superior and and Inferior Courts of the county of Mitchell.

An act to extend the writ of certiorari to possessory warrants.

An act for the relief of Alexander Teague of the county of Union, William T. Webster of the county of Muscogee, and Ira S. Nobles of the county of Terrell.

An act for the appointment of auditors in certain cases.

An act to incorporate Phi Delta Lodge No. 148 of Free and Accepted Masons of the county of Franklin.

And also, to incorporate Carnesville Lodge No. 186 of Free and Accepted Masons in the same county.

An act to amend the charter of the town of Calhoun, and to grant the town council of said town certain privileges.

An act to repeal an act to amend the patrol laws of this State, approved Feb. 20, 1854, so far as relates to the county of Walker.

Mr. Stokes moved that the rules be suspended for the purpose of taking up House bills amended by the Senate in which the House has refused to concur, which was agreed to.

The amendment of the Senate to a bill of the House of Representatives to be entitled an act to amend an act entitled an act in relation to the public records of the counties where they have been destroyed by fire, &c., approved March 5th, 1856, which the House refused to concur in, was taken up, and on motion of Mr. Gibson, the Senate insisted upon its amendments.

The following message was received from the House of Representatives, by Mr. Shropshire their clerk:

*Mr. President* :—The House has passed the following bills of the Senate, to-wit :

A bill to give to rules absolute against officers in this State a lien upon property, and for other purposes.

A bill to lay out and organize a new county from the counties of Lowndes and Clinch.

A bill to alter and change the times of holding the Superior and Inferior Courts of the county of Sumter, and the Superior Courts in the county of Chattahoochee.

A bill to change the lines between the counties of Dougherty and Worth.

A bill to authorize Hiram S. Creech to practice medicine and to charge for the same.

They have also concurred in the action of the Senate on the bill reported by the conference committee appointed by the Senate and House of Representatives, on the disagreement of the House to certain amendments of the Senate, to a bill to appropriate the net earnings of the Western and Atlantic Railroad to the payment of the public debt, and to provide for the education of the children in the several counties in this State.

They have also concurred in the amendments of the Senate to a bill to be entitled an act to incorporate the Newnan Guards, and for other purposes.

The amendment of the Senate to a bill of the House of Representatives to be entitled an act to define the lines between the counties of Schley, Sumter and Macon; to change the line between the counties of Irwin and Wilcox, the counties of Coweta and Heard, between the counties of Colquitt and Thomas, between the counties of Carroll and Habersham, and between the counties of Greene and Taliaferro.

Mr. Hill of Sumter moved that the Senate insist upon its amendment, which was lost.

The amendments of the House of Representatives to a bill of the Senate to be entitled an act to repeal all laws relating to head rights, so far as they apply to the county of Washington, and on motion the amendment was concurred in.

The Senate took up as the report of the Committee of the whole,

A bill of the House of Representatives to be entitled an act to alter and amend an act entitled an act to provide for the perfecting of titles to lands where parties die and have bonds for titles, assented to December 22d, 1857.

The report of the committee on the judiciary having reported against the passage of the bill, the report was agreed to and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend the laws in relation to marriage and inheriting property in certain cases therein specified.

Mr. Harris of Worth moved to lay the report on the table for the balance of the session.

Upon agreeing to which motion Mr. Stubbs required the yeas and nays, which being recorded were yeas 56, nays 14.

Those who voted in the affirmative are Messrs:

Adams of Elbert,	Graham,	Riley of Taylor,
Akins,	Griffin of Calhoun,	Shepherd,
Arnett,	Harris of Worth,	Shropshire,
Banks,	Hays,	Slaughter,
Beall,	Hill of Sumter,	Spalding,
Bloodworth of Car-	Hill of Troup,	Stokes,
roll,	Hixon,	Strickland,
Browning,	Holcombe,	Sutton,
Bryan,	Jamison,	Thomas,
Bullard,	Jarrard,	Walker,
Bush,	Johnson of Fayette,	Webb,
Byrd,	Johnson of Pauld-	West,
Carlton,	ing,	Westbrooks,
Colquitt,	McConnell	Whitaker,
Cumbe,	McDonald,	Wilcher,
Dawson,	McDuffie,	Williams of Terrell,
Fain,	Overstreet,	Wooten,
Fambro,	Paine,	Young of Irwin,
Fields,	Roberts,	
Gholston,	Robinson of Talbot,	

Those who voted in the negative are Messrs:

Bartlett,	Pope,	Smith of Hancock,
Gibson,	Price,	Stubbs,
Gordon,	Quillian,	Ward,
Lockheart,	Reid,	Young of Union.
Matthews,	Riley of Lumpkin,	

So the motion to lay the report on the table for the balance of the session prevailed.

The following message was received from the House of Representatives, by Mr. Shropshire their clerk.

*Mr. President* :—The House has passed the following bills of the Senate, to-wit:

A bill to authorize the justices of the Inferior Court of Crawford county to levy and collect an extra tax for the purpose of building a jail in said county.

A bill for the relief of the estate of Samuel Martin, late of the county of Fayette, deceased.

Also, a bill to alter and amend the charter of the city of Macon.

A bill to make uniform the criminal practice in the several judicial circuits in this State, and also to alter the rules of evidence in criminal trials in certain cases, and for other purposes.

The House has also passed the bill of the Senate, to be entitled an act, authorizing the arrest by the Marshal of the

village of Sparta, without warrant, and for other purposes, with certain amendments, to which they ask the concurrence of the Senate.

I am also directed to inform the Senate, that the House of Representatives adheres to its disagreement to the amendments of the Senate to a bill of the House to be entitled an act in relation to the Public Records of counties where they have been destroyed by fire.

The hour for adjournment having arrived, the President adjourned the Senate until 6½ o'clock, P. M.

#### EVENING SESSION.

6½ O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to empower the grand jurors of the county of Appling, to designate the children entitled to the benefits of the poor school fund, and for other purposes.

The report was taken up and agreed to, the bill was read the third time and passed.

Mr. Briscoe from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate,

An act to amend an act entitled an act, to incorporate the Macon Insurance Company in the city of Macon, and to strike out a proviso in the same.

An act to amend an act to incorporate the town of St. Marys and the several acts amending the same.

An act to authorize and require the Justices of the Inferior Court of the county of Cass, to levy an extra tax upon the State tax of said county, for the purpose of paying the jury fees of said county.

An act to incorporate the Fort Valley and Atlantic Railroad Company, and to punish persons for violating the provisions of the same.

An act for the relief of Amy Clark formerly of Baker now Mitchell county.

An act to give to rules absolute against officers in this State, a lien upon property, and to give officers the control of executions in certain cases.



An act to change the lines between the counties of Macon and Sumter, so as to add M. R. Smith of the county of Sumter to the county of Macon, also to change the line between Habersham and White, Schley and Marion counties.

A resolution requesting the delivery to James A. Green of certain papers.

An act for the relief of David Dyer of the county of Morgan, and Overton Sego of the county of Bibb and for other purposes.

An act to define the liability of stockholders in banks and other chartered institutions in this State.

An act to incorporate the Kingston Presbyterian Church of Cass county.

The amendments of the House of Representatives to a bill of the Senate, to be entitled an act authorizing the Marshal of the village of Sparta to arrest without warrant, and confine in the common jail of the county of Hancock all persons violating the laws passed by the commissioners of said village against drunkenness and the gross and immoral conduct in the streets of said village; were taken up, and on motion, the amendments were concurred in.

The amendments of the Senate to the bill of the House of Representatives, "to be entitled an act in relation to the Public Records of counties where they have been destroyed by fire, &c., approved March 5th, 1856," in which the House had refused to concur the Senate had insisted upon, and the House refused to concur; were taken up, and on motion, the Senate receded from its amendments.

Mr. Briscoe from the committee on Enrollment reports as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following acts, to-wit:

An act to establish a Board of Education in the county of Lincoln, and to confer certain specified powers upon them; also, to declare what Teachers shall be entitled to draw upon the Poor School fund of said county, and to authorize the election of school commissioners of the county of Jasper, and to prescribe their duties, &c.

An act to consolidate the offices of Tax Collector and Receiver of Tax Returns of the county of Haralson.

An act for the pardon of Benjamin Knight who is now confined in the Penitentiary.

An act for the relief Melissa A. H. Booker of the county of Gordon.

An act to compel Judges of the Superior Court, of each Circuit in the State to hold adjourned Terms in every county within their Circuits where the business requires, until the docket is cleared and for other purposes.

An act to prevent the sale of Spirituous Liquors from one

to five gallons, in the county of Stewart, only on conditions therein named.

An act to amend an act entitled an act to incorporate the Atlanta Medical College, and for other purposes therein mentioned.

An act to incorporate Hudson Lodge No. 208, Free and Accepted Masons, at Glades Cross Roads, Putnam county.

An act to appropriate money for the support of Government for the political year of eighteen hundred and fifty-nine, and for other purposes therein named.

An act for the relief of John M. Wilhite of the county of Jackson.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend the several laws in relation to the Georgia Asylum for the Deaf and Dumb, to change the name of the same, to define the duties of the principal, to appoint trustees for the same, and for other purposes therein named.

Mr. Hill of Troup, called for the previous question, which being seconded, the main question was ordered to be put, the main question was put, which was on agreeing to the report; and the report was agreed to.

The bill was read the third time, and upon the question, shall this bill now pass?

Mr. Strickland required the yeas and nays, which being recorded, were, yeas 54, nays 21.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Felton,	Quillian,
Adams of Rabun,	Gibson,	Reid,
Arnett,	Gordon,	Robinson of Talbot,
Arnold,	Gresham,	Riley of Taylor,
Ashley,	Harris, of Worth,	Slaughter,
Banks,	Hays,	Smith of Hancock,
Bartlett,	Hill of Harris,	Stubbs,
Billups,	Hill of Sumter,	Sutton,
Briscoe,	Hill of Troup,	Thomas,
Brown,	Knox,	Tison,
Carlton,	Lockheart,	Walker,
Colquitt,	Matthews,	Ward,
Cooper,	McRae,	Warthen,
Crowder,	Morell,	Webb,
Cumbe,	Mounger,	West,
Dawson,	Neal,	Westbrooks,
Fain,	Paine,	Williams of Terrell,
Fambro,	Pope,	Williams of White,

Those who voted in the negative are Messrs :

Akins,	Graham,	Price,
Bloodworth of Car-	Griffin of Twiggs,	Riley of Lumpkin,
roll,	Holcombe,	Shropshire,
Bloodworth of Pike,	Jamison,	Stowers,
Browning,	Jarrard,	Tate,
Bryan,	Johnson of Fayette,	Wilcher,
Bullard,	McGuire,	Young of Union,
Gholston,		

So the bill was passed.

The following message was received from His Excellency the Governor by Mr. McComb, his Secretary :

*Mr. President :* His Excellency the Governor, has approved and signed the following act, to-wit :

An act to pardon Burton A. Brooks of the county of Harris, now under sentence of death for the crime of murder.

Mr. Paine from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate,

An act to compensate the grand and petit jurors in the county of Emmanuel, and to provide for the payment of the same.

A resolution in relation to a Post Road.

An act to authorize the Jailor of Richmond county to demand and collect Jail fees in advance for persons confined in said Jail for debt.

An act to alter and amend the second section of the sixth division of the Penal Code of this State.

An act to alter and amend an act, in relation to the Poor School system, so far as relates to the counties of Lumpkin and Rabun, and for other purposes.

An act to alter and amend the road laws of this State so far as relates to the county of Oglethorpe, and the several counties herein named.

An act for the relief of the commissioners of the Altamaha river.

An act to fix and make certain the time of holding the election of Judge of the Superior courts of the Pataula Circuit.

An act to authorize the Inferior Court of Hart county to pay over certain money to the Ordinary of said county for certain purposes herein named.

An act amendatory of an act, to authorize the issuing of attachments and garnishments, and to regulate proceedings, in relation to the same, and for other purposes, approved March 4th, 1856, so as to make the shares or interest of stockholders in any corporation in this State, subject to attachment and sale, and for other purposes herein named.

An act for the relief of John B. Griffin, of the county of Misscogee, and Seaborn Whithurst of the county of Pulaski.

An act to define the line between the counties of Montgomery and Tattnall and Tattnall and Emmanuel.

An act to authorize the Justices of the Inferior Court of Haralson county, to levy an extra tax for the purpose of extinguishing the debt of said county, and for other purposes.

An act to incorporate "Washington Institute" a high school organized by an association of Baptist Churches known as the "Washington Association," and located in Hancock county, and incorporate trustees for the same, and to change the name of the village of Buffalo, in said county, and for other purposes.

An act for the relief of Amanda C. Flournoy of Washington county.

An act to incorporate the town of Waresboro, and provide for the government of the same.

An act to allow the Wills Valley Railroad Company, the privilege of using an order for the purpose of facilitating the building of said road or accommodating the stockholders of said company.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk:

*Mr. President:*—The House has passed the following bills of the Senate, to wit:

A bill to be entitled an act to compensate the Justices of the Peace of Hall county for returning the poor children and for other purposes.

A bill to be entitled an act to authorize Joseph Porter an infirm man of the county of Worth, and Stephen Y. Briggs of the county of Dooley, to peddle in their respective counties, without license.

A bill to be entitled an act to incorporate Young America Fire Company in the city of Columbus.

A bill to be entitled an act to repeal all special laws providing for the payment of grand and petit jurors in the county of Baker.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Worth county, to levy an extra tax to pay off the indebtedness of said county, commencing in 1859.

A bill to be entitled an act to authorize the Inferior Court of the county of Madison to sell the Academy buildings and real estate of said Academy, and to collect the rents of the same, and when collected to be applied to the education of the poor children of said county.

A bill to be entitled an act to authorize the Inferior Courts of the counties of Fayette and Madison to levy an extra tax to pay the Grand and Petit Jurors one dollar per diem for their services, &c.

A bill to be entitled an act to repeal the 19th section of an

act to incorporate a bank in the city of Atlanta to be called the Bank of Fulton, and for other purposes therein mentioned.

A bill to be entitled an act to require the treasurer of this State to sign the coupons of the old six per cent. bonds of this State, for the whole interest as it falls due, to issue new bonds with all the coupons signed.

A bill to authorize the Ordinary of Richmond county to demand and receive certain fees therein mentioned, and for other purposes.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend an act entitled an act to amend the various acts in relation to the city Court of Savannah, to add to the jurisdiction and powers of said Court, and for other purposes therein named, assented to December 22d, 1857, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to amend an act entitled an act to authorize the trustees of Glynn county Academy to lease or sell the Academy building and estate of said academy, and to protect the property and collect the funds of the same, and for other purposes therein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act, to amend an act approved the 19th December, 1829, to point out and regulate the manner of taking the testimony of females in certain cases, so as to include practicing physicians and school teachers in actual employment.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend an act for preventing and punishing vice, profaneness and immorality and for keeping holy the "Lord's Day" commonly called Sunday, approved March 4th, 1762.

And on motion of Mr. West the report was laid on the table for the balance of the session.

The following message was received from the House of Representatives by Mr. Shropshire, their Clerk;

•*Mr. President* :—The House has passed the following bills to-wit:

A bill to change the time of holding the Inferior Court of Emmanuel county from 1st to the 2d Monday in July

A bill to incorporate the Cass county Agricultural Society.

A bill to authorize the Inferior Court of Fulton county to take stock in the Georgia Air Line Railroad and issue bonds upon certain conditions, &c. &c.

A bill for the relief of Thomas Turner of Whitfield county from all disability and liability on account of intermarriage with Mary Turner his wife. Also for the relief of Eleanor Gay

A bill to provide for the retail of Spirituous Liquors in the counties of Marion, Elbert, Bibb and Mitchell, in this State, and for other purposes.

A bill for the relief of John Woodall, late of Jones county, released, one of the securities of Felix Woodall, for the delivery of certain books.

A bill for the relief of the securities of George Wing, former Tax Collector of the county of McIntosh.

A bill to give John B. Woodard the right to peddle without paying license

A bill to establish a Tobacco Inspection in the town of Canton, and provide for the appointment of Inspectors.

A bill for the relief of John Farmer and William Scott, securities on the penal bond of Newton Freeman

A bill to facilitate mining operations for gold and other purposes in the county of White.

A bill to incorporate the Spring Mountain Gold and Copper Mining Company

A bill to amend the several acts now in force, in relation to the incorporation of the town of Lafayette, in the county of Walker.

The Senate took up as the report of the committee of the whole.

A bill of the House of Representatives to be entitled an act to appropriate the sum of two hundred and forty dollars to the Inferior Court of Dade county

Mr. Stubbs called for the previous question, which being seconded, the main question was ordered to be put: the main question was then put, which was on agreeing to the report and the report was agreed to.

The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole

A bill of the House of Representatives to be entitled an act to repeal all laws and parts of laws authorizing Lotteries in the State of Georgia, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to abolish imprisonment for debt, on certain conditions herein set forth, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled, an act to incorporate the Cotton Planters Convention of the State of Georgia.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to alter and amend the 8th section of the 4th division of the Penal Code of this State.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to amend the first section of the third article of the Constitution of the State of Georgia.

The report was agreed to, the bill was read the third time, and upon the question, shall this bill now pass?

In pursuance of the Constitution, the yeas and nays were required, and being recorded were, yeas 57, nays 10.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Fambro,	Robinson of Talbot,
Adams of Rabun,	Felton,	Riley of Lumpkin,
Akins,	Gibson,	Riley of Taylor,
Banks,	Gordon,	Slaughter,
Bartlett,	Graham,	Smith of Hancock,
Beall,	Gresham,	Stiles,
Bloodworth of Carroll,	Harris of Worth,	Stokes,
Bloodworth of Pike,	Holcombe,	Strickland,
Briscoe,	Jarrard,	Stubbs,
Brown,	Johnson of Fayette,	Tate,
Browning,	Jossey,	Thomas,
Bryan,	Knox,	Tison,
Byrd,	Lockheart,	Tucker,
Carlton,	Matthews,	Ward,
Colquitt,	Mounger,	Warthen,
Cone,	Neal,	West,
	Pope,	Westbrooks,

**Crowder,**  
**Dawson,**  
**Fain,**

**Price,**  
**Reid,**  
**Roberts,**

**Whitaker,**  
**Williams of White**

Those who voted in the negative are Messrs.

**Gholston,**  
**Hays,**  
**McConnell,**  
**McGuire,**

**McRea,**  
**Moren,**  
**Paine,**

**Walker,**  
**Wilcher**  
**Young of Union,**

So there being a Constitutional majority in favor of the bill, the same was passed.

On motion of Mr. Hill of Troup, Mr. Williams of Terrell, was added to the committee to bring up the unfinished business of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to impose additional penalties upon the Banks of this State, so far as to compel them to comply with the requisition of an act entitled an act to provide against the forfeiture of the several bank charters in this State, on account of non-specie payment for a given time and for other purposes therein mentioned, passed by a constitutional majority at the last session over the Executive veto.

Upon which Mr. Gibson raised a point of order; and the President decided that the adoption of a substitute by the Senate in lieu of an original bill, the substance of which was the same as the bill under consideration, was not such a rejection of the bill, as precludes the Senate from entertaining this bill.

From which decision, Mr. Stiles appealed, and upon the question, shall the decision of the chair stand as the judgment of the Senate? **Y.**

Mr. Fambro called for the previous question, which being seconded, the main question was ordered to be put. The main question was then put, which was, shall the decision of the President stand as the judgment of the Senate.

Upon which question, Mr. Gibson required the yeas and nays, which being recorded, were, yeas 48, nays 30.

Those voting in the affirmative are Messrs :

**Adams of Elbert,**  
**Adams of Rabun,**  
**Akins,**  
**Arnett,**  
**Banks,**  
**Bartlett,**  
**Beall,**

**Fambro,**  
**Felton,**  
**Fields,**  
**Gholston,**  
**Gordon,**  
**Graham,**  
**Gutlin of Twiggs,**

**Riley of Taylor,**  
**Shropshire,**  
**Slaughter,**  
**Stokes,**  
**Strickland,**  
**Tate,**  
**Tison,**



Bloodworth of Car-Hammond,	Tucker,
roll,	Harris of Worth,
Briscoe.	Holcombe,
Browning,	Jamison,
Bryan,	Jarrard,
Bullard,	Johnson of Fayette,
Byrd,	Knox,
Colquitt,	McConnell,
Cone,	McGuire,
Fain,	Young of Union,

Those who voted in the negative are Messrs :

Arnold,	Griffin of Calhoun,	Paine
Billups,	Hays,	Pope,
Bloodworth of Pike,	Hill of Troup,	Reid,
Brown,	Jossey,	Riley of Lumpkin,
Carlton,	Lockheart,	Smith of Hancock,
Cooper,	Matthews,	Stiles,
Crowder.	McRea,	Stubbs,
Dawson,	Morell,	Sutton,
Gibson,	Mounger,	Thomas,
Gresham,	Neal,	Ward,

So the decision of the President was made the judgment of the Senate.

Mr. Harris of Worth, called for the previous question; and upon the question, will the Senate second the call for the previous question; Mr. Gibson required the yeas and nays, which being recorded, were, yeas 46. nays 23.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Fambro,	Riley of Taylor,
Adams of Rabun,	Felton,	Slaughter,
Akins,	Fields,	Stokes,
Banks,	Gholston,	Strickland,
Bartlett,	Gordon,	Tate,
Beall,	Graham,	Tison,
Bennett,	Gresham,	Tucker,
Bloodworth of Car-	Griffin of Twiggs,	Walker,
roll,	Hammond,	West,
Bloodworth of Pike,	Harris of Worth,	Westbrooks,
Browning,	Holcombe,	Whitaker,
Bryan,	Jamison,	Wilcher,
Bullard,	Jarrard,	Williams of Terrell,
Byrd,	Jossey,	Williams of White,
Cone,	McGuire,	Young of Union.
Fain,	Mounger,	

Those who voted in the negative are Messrs :

Arnold,	Hays,	Robinson of Talbot.
Briscoe,	Lockheart,	Riley of Lumpkin,
Brown,	Matthews,	Smith of Hancock,
Carlton,	McConnell,	Stubbs,
Colquitt,	McRea,	Sutton,
Cooper,	Morell,	Ward,
Crowder,	Neal,	Warthen,
Gibson,	Paine,	

So the call for the previous question was seconded.

And upon the question, shall the main question be now put.

Mr. Gibson required the yeas and nays, and upon the call of the Senators, it appeared that there was not a quorum voting.

The following Senators voted as follows, to-wit

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Fields,	Riley of Taylor,
Adams of Rabun,	Gholston,	Slaughter,
Akins,	Gordon,	Shropshire,
Arnett,	Griffin of Twiggs,	Stokes,
Banks,	Hammond,	Strickland,
Bartlett,	Harris of Worth,	Tate,
Beall,	Holcombe,	Tison,
Bloodworth of Car-	Jamison,	Tucker,
roll,	Jarrard,	Walker,
Bloodworth of Pike,	Johnston of Fayette,	Ward,
Browning,	Jossey,	West,
Bryan,	Knox,	Westbrooks,
Bullard,	McGuire,	Whitaker,
Byrd,	Mounger,	Wilcher,
Cone,	Quillian,	Williams of White,
Cumbie,	Riley, of Lumpkin	Young, of Union,
Fambro,		

Those voting in the negative are Messrs :

Briscoe,	Reid,	Stubbs,
Hays,	Smith of Hancock	Warthen,
Lockheart,		

No quorum.

Upon the call of Senators the following Senators answered to their names, to-wit :

Adams of Elbert,	Fambro,	Robinson, of Talbot,
Adams of Rabun,	Felton,	Riley of Lumpkin,
Akins,	Fields,	Riley of Taylor,

Arnett,	Gholston,	Shropshire,
Arnold,	Gibson,	Slaughter,
Atkinson,	Gordon,	Smith of Hancock,
Ashley,	Graham,	Stiles,
Banks,	Grasham,	Stokes,
Bartlett,	Griffin of Twiggs,	Strickland,
Beall,	Harris of Worth,	Stubbs,
Billups,	Hill of Sumter,	Sutton,
Bloodworth of Car-	Hill of Troup,	Tate,
roll,	Holcombe,	Thomas,
Bloodworth of Pike,	Jamison,	Tison,
Briscoe,	Jarrard,	Tucker,
Brown,	Johnson of Fayette,	Walker,
Browning,	Jossey,	Ward,
Bryan,	Knox,	Warthen,
Bullard,	Lockheart,	West,
Byrd,	Matthews,	Westbrooks
Carlton,	McConnell,	Whitaker
Colquitt,	McGuire,	Wilcher,
Cooper,	Mounger,	Williams of Terrell,
Crowder,	Paine,	Williams of White,
Cumbie,	Price,	Young of Union,
Fain,	Quillian,	

Mr. Slaughter moved that the messenger be directed to close the door of the Senate, and not to permit the Senators to pass out without leave of the Senate, and called for the previous question.

Mr. Gibson raised a point of order upon the entertaining of a verbal motion by the Senate

The President decided that the motion was in order, from which decision Mr. Gibson appealed.

Mr. Gibson withdrew his appeal.

Mr. Slaughter withdrew his motion.

The question recurring upon agreeing to the report, the yeas and nays were recorded, and were, yeas 56, nays 20.

Those who voted in the affirmative are Messrs :

Adams of Elbert,	Fain,	Riley of Taylor,
Adams of Rabun,	Fambro,	Shropshire
Akins,	Felton,	Slaughter,
Arnett,	Fields,	Stokes,
Atkinson,	Gholston,	Strickland,
Banks,	Gordon,	Tate,
Bartlett,	Graham,	Thomas,
Beall,	Griffin of Twiggs,	Tison,
Bloodworth of Car-	Hammond,	Tucker,
roll,	Harris, of Worth,	Walker,
Bloodworth of Pike,	Holcombe,	Ward,
Bozeman,	Jamison,	Warthen,

Browning,	Jarrard,	West,
Bryan,	Knox,	Westbrooks,
Byrd,	McGuire,	Whitaker,
Cone,	Mounger,	Wilcher,
Crowder	Price,	Williams of Terrell,
Cumbie,	Quillian,	Williams of White,
Dawson,	Riley of Lumpkin,	Young of Union,

Those who voted in the negative are Messrs :

Arnold,	Hill of Sumter,	Paine,
Briscoe,	Jossey,	Pope,
Brown,	Lockheart,	Reid,
Colquitt,	Matthews,	Smith of Hancock,
Gibson,	McRea,	Stubbs,
Gresham,	Morell,	Sutton,
Hays,	Neal,	

So the report was agreed to.

Mr. Griffin of Twiggs called for the previous question, which being seconded the main question was ordered to be put. The main question was then put, which was, shall this bill now pass?

Upon which question Mr. McConnell required the yeas and nays, which being recorded were yeas 56, yeas 14.

Those who voted in the affirmative were Messrs :

Adams of Elbert,	Fain,	Roberts,
Adams of Rabun,	Fambro,	Riley of Taylor,
Akins,	Felton,	Shropshire,
Arnett,	Fields,	Slaughter,
Atkinson,	Gholston,	Stokes,
Banks,	Gordon,	Strickland,
Bartlett,	Graham,	Tate,
Beall,	Gresham,	Thomas,
Bloodworth of Carroll,	Griffin of Twiggs,	Tison,
Bloodworth of Pike,	Hammond,	Tucker,
Bozeman,	Harris of Worth,	Walker,
Browning,	Holcombe,	Warthen,
Bryan,	Jamison,	West,
Bullard,	Jarrard,	Westbrooks,
Byrd,	Johnson of Fayette,	Whitaker,
Cone,	McGuire,	Wilcher,
Crowder,	Mounger,	Williams of Terrell,
Cumbie,	Price,	Williams of White,
	Quillian,	Young of Union,

Those who voted in the negative were Messrs :

Arnold,	Jossey,	Reid,
Briscoe,	Matthews,	Riley of Lumpkin,

Brown,  
Colquitt,  
Hays,

Morell,  
Neal,  
Paine,

Stubbs,  
Sutton,

So the bill was passed.

Mr. Paine, from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate,

An act to incorporate the town of Dahlonega in the county of Lumpkin, and provide for the election of commissioners for the same, and for other purposes herein mentioned.

An act to amend the 1st section of an act approved 22d Dec., 1857, in relation to the charter of the city of Macon.

An act to amend the acts in relation to taking cases to the Supreme Court.

An act for the protection of forest trees and other timber in the county of Whi field, and to punish certain offences in violation thereof.

An act to authorize Hiram S. Creech of the county of Scriven to practice medicine and to charge for the same.

An act to change the lines between the counties of Coffee and Irwin, and the counties of Wilcox and Pulaski.

An act to make uniform the criminal practice in the several judicial circuits in this State, and also to alter the rules of evidence in criminal trials in certain cases, and for other purposes.

An act to incorporate the town of Camilla, of Mitchell county, to amend the charter of the Elijay Railroad, &c.

An act in relation to amending an act entitled an act to amend an act amendatory of, in reference to Savannah, &c.

An act in relation to making permanent the site of public buildings of Walker county.

An act to incorporate Young America Fire Company in Atlanta.

An act changing the line between Elbert and Hart, &c.

An act authorizing the Justices of the Inferior Court of Crawford to levy and collect extra tax.

An act regulating the granting of retail license in Clay county.

An act regulating the compensation of jurors in Jefferson county.

An act incorporating the Methodist Episcopal Church at Prospect in Thomas county.

An act to amend an act incorporating the Moccasin Turnpike Road Company, &c.

An act repealing all laws exempting from taxation stock owned by this State in Banks.

An act changing the line between Dougherty and Worth.

An act extending the corporate limits of Hartwell.

The following message was received from the House of Representatives, by Mr. Shropshire their clerk :

*Mr. President* :—The House has passed the following bills of the Senate, to-wit :

A bill to alter the certiorari laws of this State.

A bill for the relief of Luke Padgett, his heirs and representatives.

A bill to compensate the petit jurors in the county of Heard, and to provide for the payment of the same.

A bill to legalize and make valid the acts of Samuel Curtright, as Ordinary of the county of Troup.

A bill to protect religious societies in the exercise of their religious duties, and for other purposes.

A bill to incorporate the Marietta Paper Mill Company, and for other purposes.

A bill to incorporate the town of Fort Gaines, and for other purposes.

A bill to authorize guardians and others to invest funds in bonds of the city council of Augusta.

A bill to regulate the fees of tax collector and receiver of Richmond county.

A bill to amend an act entitled an act to incorporate Marshall College in the city of Griffin, approved Dec. 5, 1853.

An act to require the Clerk of the Superior and Inferior Court of Burke county to settle with the Inferior Court.

A bill to change the name of the Planters and Mechanics Bank of Dalton, Ga., to that of the Bank of Whitfield.

A bill to repeal a part of the 1st section of the 3d article of the Constitution.

A bill to change the time of holding the Superior and Inferior Courts of Schley county.

Also a bill of the Senate with an amendment.

A bill to change the time of holding the Inferior and Superior Courts of Dade and Walker.

The following message was received from the House of Representatives by Mr. Shropshire their clerk :

*Mr. President* :—The House has passed the following bills to-wit :

A bill to authorize any Justice of the Inferior Court of the county to administer the oath of office to justices of the peace.

A bill to make void the contracts of minors, with the exceptions therein stated.

A bill to authorize the Justices of the Interior Courts of the counties of Wayne, Appling and Pierce to appoint surveyors to define and mark the lines between said counties.

A bill to repeal a part of the 5th section of the act organizing the Supreme Court.

A bill to change the laws of this State relative to the election of Attorneys and Solicitors, where vacancies occur.

A bill to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authorities of said town; also to the town of Bowden, Carroll county.

An act to make the Governor of the State, and in his absence, the oldest member of the board of trustees of Franklin College, who may be present, President of said board.

A bill to change the line between Fayette and Clayton counties, so as to include the residences of Elijah Glass, Manson Glass, Elijah Holt and Patrick H. Allan, in the county of Clayton.

An act to prohibit the sale or furnishing of lottery tickets to slaves and free persons of color, or any free white person under the age of twenty-one years, and to punish those who are guilty of a violation of this act, &c., &c.

A bill for the relief of James Hagans of the county of Floyd, and John W. Hardwick of the county of Jasper.

A bill to authorize John Boon of the county of Milton, to practice medicine and to charge for and collect compensation for the same by law, and for other purposes.

A bill to be entitled an act to amend the several acts incorporating the city of Griffin.

A bill to revive and amend an act entitled an act to make permanent the site of public buildings in Polk county, at Cedartown in said county, and to incorporate the same, &c., approved the 8th of February, 1854.

A bill to authorize the appointment of masters or auditors in equity, and define their duty.

A bill to allow teachers of poor children in the counties of Calhoun and Columbia, to charge for books furnished said children, and to require the Ordinary to pay said accounts.

A bill to amend the road laws of this State, so far as this relates to the county of Polk, and to provide for the assessment and collection of the road tax in said county, and to appropriate the same to road purposes.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk:

*Mr. President:*—The House have concurred in the following resolutions of the Senate, to-wit:

A resolution authorizing a reduction of freight on iron, and the construction of a siding in Cass county.

A resolution requesting his Excellency the Governor to have painted a full length portrait of Gen. James Jackson.

\*A resolution requiring the treasurer, in his annual report, to set forth the amount paid each member, and each officer of both houses of the General Assembly, &c., &c.

Also, a resolution that his Excellency the Governor be authorized to furnish certain books to justices of the peace in a new district, &c.

A resolution requesting our Senators and Representatives in Congress to use their influence in having a commission appointed by Congress, to examine into the limits and extent of the southern pine belt in this State, &c., &c.

Also, the House has passed the following bills of the Senate, to-wit:

A bill to incorporate the town of Redsville, Tattnall county, Georgia.

A bill to be entitled an act to incorporate Ellijay Gold and Copper Mining company

A bill to be entitled an act to change the line between Henry county and Clayton.

A bill to be entitled an act to legalize and make valid the acts of Samuel Curtright as Ordinary of the county of Troup.

A bill to be entitled an act to confer certain privileges on the Independent Mechanic's Fire company in the city of Augusta.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Bryan county to levy an extra tax in the county of Bryan on the State tax, for educational purposes.

A bill to be entitled an act to change the times of holding the Inferior Courts of the county of Walker.

A bill to be entitled an act to prescribe the mode of perfecting service and to regulate the proceedings in cases of "scire facias" on non-residents.

A bill to be entitled an act to authorize the Justices of the Inferior Court for the county of Dawson to levy an extra tax for the year 1859.

A bill to be entitled an act for the relief of Mrs. E. T. Cooper, of Sumter county, and her husband's securities.

A bill to be entitled an act to incorporate A. J. Miller Lodge No. 261 of free and accepted Masons, and to confer certain powers.

A bill to be entitled an act to authorize and require the Justices of the Inferior Court of Madison county to collect by suit or otherwise the remainder or unexpended portion of the academic fund now in the hands of the trustees of said Academy, or that may hereafter come in their hands for the education of the poor children of said county.

A bill to be entitled an act for the relief of Mr. Varner of Cobb county from the tax imposed on him for the year 1858.

A bill to be entitled an act to prevent non-residents of the county of Miller from camp hunting, and for other purposes.

A bill to be entitled an act to define the line between the counties of Clay and Early.

A bill to be entitled an act to require the Inferior Court of the county of Muscogee to pay expenses necessarily incurred in holding the Superior Court of said county.

A bill to be entitled an act to alter and amend an act approved 5th March, 1856, entitled an act to alter and amend the



6th section of an act approved 11th February, 1854, entitled an act to incorporate the Dalton Copper Mine and Turnpike and Railroad company, and for other purposes.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Pulaski to levy an extra tax to pay for the erection of a new Court-house and jail.

A bill to be entitled an act authorizing William R. Manning, administrator with the will annexed, to sell the real estate of Alexander Manning, deceased, at private sale.

A bill to be entitled an act to confer upon the Mayor and Council of Atlanta power and authority to establish, organize and support by law a general system of public free schools, and for other purposes.

A bill to be entitled an act for the relief of Benjamin T. Rees, guardian for Gouverneur H. Embra, a minor, and to authorize said guardian to purchase a farm for the benefit of said minor's estate.

A bill to be entitled an act to authorize Jennima West, widow of Enoch West, late of White county, deceased, to settle said estate.

A bill to be entitled an act to change the times of holding the Inferior Court of Baldwin.

A bill to be entitled an act to change the county line of Worth so as to add No. 211 in the 6th district of said county to the county of Irwin.

A bill to be entitled an act to empower and authorize the Ordinaries of the different counties of this State to grant an order to executors and administrators representing estates, and guardians representing wards having wild and scattered lands lying and being in different counties, to sell and dispose of the same at private sale, whenever the interest of the estate or ward requires it.

Mr. Paine from the committee on Enrollment report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following acts, to-wit :

An act to incorporate the Penfield Railroad company.

An act to repeal an act entitled an act to authorize overseers of the roads for Walker, Gwinnett, Cobb, Cherokee, Bibb, Sumter and Gilmer counties to appoint warners and define their duties, so far as relates to Cherokee.

An act to allow compensation for the consolidated Index of Plats to colonial and head right grants in the Surveyor General's office.

An act to legalize the proceedings of the Superior Courts of Taliaferro county.

An act to authorize the Inferior Courts of Washington county to levy and collect an extra tax for the building of a jail in said county, and for other purposes.

An act to authorize Martha B. Banks and Joseph L. Banks.

administrators of Richard Banks, to sell certain lands at private sale.

An act to change the time of holding the Inferior Courts of the county of Appling.

An act to repeal a portion of an act to change the county lines between the counties of Cass and Gordon and Gordon and Murray, and other counties therein named, approved March, 1856.

An act to change the time of holding the Inferior Courts of Ware County.

An act to authorize the Mayor and Aldermen of the city of Savannah and hamlets thereof and their successors in office to institute a system of drainage for the same.

An act to consolidate the offices of Tax Collector and Receiver of Tax Returns of the county of Dawson.

An act to authorize and empower John W Reid, administrator on the estate of Samuel B. Daniel, late of Green county, deceased, to vest any surplus funds in his hands arising from the sale of crops, &c., under limitations herein set forth.

An act for the relief of Samuel Stanford, of the county of Lowndes.

An act to allow Sarah Bryan, wife of John W Bryan, of Lee county, to act as *feme sole*.

An act to incorporate the trustees of Mud Creek Baptist Camp Ground, and to confer certain privileges on said trustees.

An act for the relief of William M. Reese, administrator of Toliver Jones, deceased.

An act to allow the Tax Collectors of Decatur county their commissions on insolvent executions.

An act to change and establish the line between the counties of Jefferson and Emmanuel.

An act to incorporate Kimbrough Lodge No. 118.

An act for the relief of John M. Wilhite of the county of Jackson.

An act to allow John Cuiley a blind man, to peddle in the county of Walton without paying license and to allow William Douglass, of the county of Appling, the same privilege in the counties of Appling and Coffee.

A bill to incorporate Altamaha Lodge No 227 of Free and Accepted Masons.

An act to authorize guardians to act as administrators in certain cases, &c

An act to amend the charter of the town of Monticello in the county of Jasper, so as to give the election of Marshal of said town to the legal voters thereof.

An act to authorize the Justices of the Inferior Court of Decatur county to appoint commissioners to lay off said

county in school districts, and to apportion the poor school fund to each district

On motion of Mr. Slaughter the bill just passed was ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. McConnell the amendments of the House of Representatives to a bill of the Senate to be entitled an act to alter and change the time of holding the Superior Courts in the counties of Wade and Walker were taken up.

And on motion of Mr. McConnell the amendments were concurred in.

Mr. Paine from the Committee on Enrollment, reports as duly enrolled and ready for the signature of the President of the Senate,

An act to authorize the Ordinary of Richmond county to demand and receive certain fees therein mentioned, and for other purposes.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate the Yahoola river and Cane creek Hydraulic Hose Mining Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to lay off the county of Pickens into schools districts, provide for the election of Treasurer, and for other purposes therein contained.

And on motion of Mr. Griffin of Twiggs the report was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate the Scott Mining Company of Cherokee county.

Mr. Tucker moved to amend the report by adding a section to said bill adding all of the 24th district of originally Lee to Stewart county, and by changing the caption to correspond therewith. which was agreed to.

The report as amended was then agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Shropshire their Clerk :

*Mr. President:* The House has agreed to the resolution of the Senate authorizing the superintendent the W. & A. Railroad to dispose of the old iron as taken up, with an amendment, to which they ask the concurrence of the Senate.

The Senate took up as the report of the committee of the whole.

A bill of the House of Representatives to be entitled an act to compensate the Sheriffs of Jefferson county.

The report was agreed to, the bill was read the third time and passed.

Mr. Briscoe from the committee on Enrollment report as, duly enrolled and signed by the Speaker of the House and ready for the signature of the President of the Senate, the following acts, to-wit:

An act to lay off and organize a new county out of the counties of Washington, Emmanuel and Laurens, to be called Johnson county, to attach the same to the Middle Judicial Circuit, to the first Congressional district, and to the second Brigade and first division of Georgia Militia, and for other purposes.

An act to appropriate the sum of two hundred and fifty dollars, to the Inferior Court of the county of Dade.

An act to incorporate and grant certain privileges and powers to the Newnan Guards in the town of Newnan, Coweta county, and for other purposes therein named.

An act to amend an act entitled an act to protect the estates of orphans, and to make permanent provisions for the poor, approved December 18th, A. D., 1772.

An act for the support of the pupils of the Georgia Academy for the blind.

An act to appropriate money for the completion of the State Lunatic Asylum, and for other purposes therein mentioned.

An act to empower the grand Jurors of the county of Appling to designate the children entitled to the benefits of the poor school fund, and for other purposes.

An act to amend an act entitled an act in relation to the public records of counties where they have been destroyed by fire &c.

An act to alter and amend the 8th section of the 4th division of the penal code of this State.

An act to amend an act entitled an act to authorize and require the trustees of Trenton Academy to sell the same together with the lot of land upon which it is located.

An act to amend an act assented to 23d, February, 1830, establishing a Justices Court at Holmesville in Appling county, &c

Also, a resolution requesting our Senators and Representatives in Congress to use their best exertions to obtain an appropriation from the Treasury of the United States sufficient for the erection of a Naval depot on Blythe Island, near the city of Brunswick in this State.

Also, the following resolution, a resolution requesting our Senators and Representatives in Congress, to procure the pas-

sage of an act establishing a post route by two horse hack line, tri-weekly from Dahlonega via Cleveland, White county, to Clarksville Habersham county.

An act to amend an act approved 19th December, 1829, to point out and regulate the manner of taking the testimony of females in certain cases, so as to include practicing physicians and teachers in actual employment.

An act to authorize the Inferior Court of Hancock county, to levy an extra tax for the purpose of establishing quarters for the poor of said county, and for other purposes.

An act to amend an act entitled an act to incorporate the Georgia Air Line Railroad Company, and to confer on them certain powers and privileges therein mentioned, approved 5th, 1856.

An act to amend the third section of an act to prescribe the manner in which the names of persons may be changed and born illegitimates may be made legitimate and to carry into effect the provisions of the Constitution upon that subject and to prescribe the manner in which children may be adopted aforesaid, March 6th, 1856.

An act to amend the several laws in relation to the Georgia Asylum for the Deaf and Dumb, to change the name of the same, to define the duties of the principal, to appoint trustees for the same, and for other purposes therein named.

An act for the relief of David Edwin W. Irwin of the county of Chatham, of James Smith of the county of Clay, of Francis Frith of the county of Randolph, of Henry Brownson of the county of McIntosh, of Polly Ann Maryman of the county of Miller.

An act to change the line between the counties of Gilmer and Pickens, so as to take in the McArthers and McCravy into the county of Pickens, and for other purposes.

An act to authorize Andrew J. Williamson late of Emmanuel county, executor of John Williamson, deceased, to sell real estate of said deceased, at private sale and to authorize Mary Ann Graham executrix on the estate of John Graham of Appling county, deceased, to exercise like privilege in selling the estate of her intestate foresaid.

A resolution relinquishing the claim of the State to a certain lot of land in city of Columbus on conditions.

An act to alter and amend 2d, 3d, and 4th sections of an act entitled an act completely establishing the lines between the counties of McIntosh and Liberty, from the Altamaha river to the mouth of the Big Mortar Swamp from there to the north end of Black Beard island, to be established by commissioners therein named, who shall be governed by the law now existing, passed A. D., 1793, assented to December 22d 1857.

On motion of Mr. McConnell, leave of absence was granted to W. B. Terhune, secretary, on account of indisposition, and

Charles J. Harris, Esq., was appointed secretary of the Senate pro tem., during the indisposition of the secretary.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to authorize Joseph Daverson, of the county of Wilcox to peddle in the counties of Wilcox, Dooly, Irwin and Pulaski without paying taxes or license and also to entitle Benjamin Thrower, of the county of Fulton the same privileges.

Mr. Williams of Terrell moved to amend the report by adding a section to said bill extending the provisions thereof to Nancy Key, of Randolph county, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Paine from the Committee on Enrollment reported as duly enrolled and ready for the signature of the President of the Senate,

A resolution in relation to the painting of a portrait of Gen. James Jackson.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to provide for the better regulation of the town of Crawfordville as to eating tables kept by negroes, free or slave, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to make Justices of Peace, in the several Militia districts of Marion county, commissioners of road and patrols in their respective districts, and to repeal an act to amend the patrol laws of this State, approved February the 20th, 1854, so far as relates to Marion county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to authorize and permit Benjamin M. Bigby to marry again, and protect him in so doing from the penalties of Bigamy.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill of the House of Representatives to be entitled an act to incorporate the trustees of the Bigham Camp Ground in Harris county.

The report was agreed to, the bill was read the third time and passed.

On motion of Mr. Slaughter, the bills now in the Secretary's desk were laid on the table for the balance of the session.

The following message was received from the House of Representatives by Mr. Shropshire, their clerk :

*Mr. President* :—The House of Representatives has passed the following bills of the Senate, to-wit :

A bill to be entitled an act to incorporate the town of Dawsonville in Dawson county, and the town of Warrenton, in Warren county.

They have also agreed to a resolution appointing a committee to join a similar committee on the part of the Senate, to wait on His Excellency the Governor and ascertain whether he has any further communication to make to either branch of the General Assembly.

The committee on the part of the House, consists of Messrs.

WILKES,  
FANNIN,  
PRICE.

On motion of Mr. Dawson the rules were suspended for the purpose of offering a resolution, which was agreed to.

Mr. Dawson offered the following resolution, which was read.

*Resolved*, That the Governor be requested and authorized to publish all the public laws of this Legislature, of general importance, in the two Journals published in Milledgeville, and such other papers as he may deem fit.

Mr. Pope moved to lay the report on the table for the balance of the session.

Upon agreeing to which motion, Mr. Dawson required the yeas and nays, which being recorded, were yeas 40, nays 24.

Those who voted in the affirmative are Messrs.

Adams of Elbert,	Gholston,	Riley of Lumpkin,
Adams of Rabun,	Griffin of Twiggs,	Riley of Taylor,
Akins,	Hammond,	Smith of Hancock,
Atkinson,	Harris of Worth,	Stokes,
Banks,	Hays,	Strickland,
Bloodworth of Carroll,	Holcombe,	Tate,
Bloodworth of Pike,	Jarrard,	Tison,
Brown,	Jossey,	Tucker,
Browning,	Knox,	Walker,
Bryan,	Mattox,	West,
Byrd,	McGuire,	Westbrooks,
Colquitt,	Neal,	Williams of White,
Fields,	Pope,	Young of Union,
	Roberts,	

Those who voted in the negative, are Messrs.

Arnett,	Graham,	Quillian,
Bartlett,	Gresham,	Reid,
Briscoe,	Matthews,	Robinson of Talbot,
Cone,	McConnell,	Sutton,
Cumbe,	McRea,	Ward,
Dawson,	Morell,	Warthen,
Felton,	Mounger,	Wilcher,
Gordon,	Price,	Williams of Terrell,

So the motion to lay the resolution on the table for the balance of the session prevailed.

Mr. Bloodworth of Pike, offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That a committee of two be appointed by the President of the Senate to co-operate with such committee as may be appointed by the House of Representatives, and that such committee wait on His Excellency the Governor and inform him that both Houses are now ready to adjourn *sine die*, and respectfully request of him information as to whether he has any communication to make to either House. In pursuance of which the President appointed Messrs. Bloodworth of Pike, and Mounger as that committee on the part of the Senate.

Mr. Briscoe from the committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following resolution, to-wit :

A resolution to request the Governor to have furnished certain Digests.

Also, an act to incorporate the Cotton Planters Convention of the State of Georgia.

An act to abolish imprisonment for debt, on certain conditions therein set forth and for other purposes.

Mr. Walker offered the following resolution which was taken up, read and agreed to.

*Resolved*, That the Governor be authorized and directed to furnish each member of the General Assembly with a copy of the Acts and Journals of the present session, when published.

Mr. Young of Union, offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That the Senator from Baldwin be and is hereby appointed to examine and report upon the Journals on the completion of the same, and that the Governor be requested to compensate him for such service from the contingent fund.

Mr. Paine from the committee on Enrollment, report as duly enrolled and signed by the Speaker of the House and



ready for the signature of the President of the Senate, the following acts, to-wit:

An act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt.

Mr. Paine offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That the thanks of the Senate are due, and hereby tendered to the Hon. T. L. Guerry for the dignified, urbane and courteous manner in which he has discharged the duties of President of the Senate.

Mr. Williams of Terrell, offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That the thanks of the Senate are due to the Hon. William M. Brown, President pro tempore of the Senate, for the courteous, urbane and dignified manner that he has presided over the Senate when in the chair, during this session.

Mr. Felton offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That the thanks of the Senate be and are hereby tendered to W. B. Terhune, Secretary, for the efficient and worthy manner with which he has discharged the onerous duties of the present session.

Mr. Briscoe from the committee on Enrollment, report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate, the following acts, to-wit:

An act to amend an act entitled an act to authorize the trustees of Glynn County Academy, to lease or sell the academy, and for other purposes.

Also, an act to make the Receiver of Tax Returns, in the several counties of this State, hereafter to be elected, assessors of taxes in certain cases hereinafter named, and for other purposes.

An act to impose additional penalties upon the Banks of this State, so as to compel them to comply with the requisitions of an act to provide against the forfeiture of the several Bank Charters in this State, on account of non-specie-payment for a given time, and for other purposes therein mentioned, passed by a Constitutional majority at the last session, over the Executive veto.

An act, to amend the laws in regard to defaulting Tax-payers, and to prescribe the duty of Tax Collectors in such cases, &c.

Mr. Arnold offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That the thanks of the Senate are hereby tendered to Charles J. Harris, for his faithful and courteous dis-

charge of the laborious duties of assistant Secretary of the Senate.

Mr. Banks offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That the thanks of the Senate be, and are hereby tendered to Fred. H. West, Journalizing Clerk of the Senate, for the faithful discharge of his laborious duties.

Mr. McConnell offered the following resolution, which was taken up, read and agreed to.

*Resolved*, That the thanks of the Senate be tendered to James A. Pringle, assistant Secretary of the Senate, for the able and faithful manner in which he has discharged his duties during the present session.

Mr. Paine offered the following resolution which was taken up, read and agreed to:

*Resolved*, That the thanks of the Senators be tendered to Tomlinson Fort, Jr., A. E. Marshall, J. R. Sneed and Robert Grant, reporters of the Senate, for the faithful performance of their duties.

Mr. Harris of Worth offered the following resolution which was taken up, read and agreed to.

*Resolved*, That the thanks of the Senate are due to Messrs. Brewster and Alfred, messenger and doorkeeper, for the faithful and efficient discharge of their respective duties during the present session.

Mr. Briscoe from the Enrolling Committee reported as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to compensate the Sheriff of Jefferson county.

Mr. Briscoe, from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate,

An act to authorize Joseph Porter, an infirm man, of the county of Worth, and Stephen T. Burgess, of the county of Dooly, to peddle in their respective counties without license.

An act to compensate the justices of the peace of Hall county for returning the poor children, and for other purposes.

An act to incorporate the town of Thomson, Columbia county.

An act to amend the several acts of force in relation to the incorporation of the town of LaFayette in the county of Walker.

An act to give John B. Woodard the right to peddle in this State without paying license for the same.

An act for the relief of the securities of George Wing, former tax collector of the county of McIntosh.

An act for the relief of the estate of Samuel Martin, late of the county of Fayette, deceased.

Also, an act to alter the certiorari laws of this State.

An act to change the line between the counties of Irwin and Worth.

An act to provide for the taking of the census of the State of Georgia, in pursuance of the requirements of the 25th section of the 1st article of the Constitution of the State of Georgia.

A resolution respecting the report of the treasurer.

An act to change the times of holding the Inferior Courts of the county of Baldwin.

An act to repeal a part of the 1st section of the 3d article of the Constitution of this State, and to insert a provision in lieu thereof.

An act to facilitate mining operations for gold, and for other purposes, in the county of White.

An act to incorporate the Presbyterian Church of Walthourville in Liberty county, and the Savannah flour mill company.

An act to regulate the fees of tax collector and receiver of Richmond county.

An act to require the treasurer of this State to sign the coupons of the old six per cent. bonds of this State, for the whole interest as it falls due, to issue new bonds with all the coupons signed.

An act to change the time of holding the Superior and Inferior Courts of Schley county.

Mr. Paine from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate,

An act for the relief of Thomas Turner of the county of Whitfield, from all disability and liability on account of his intermarriage with Mary Turner, his wife; also for the relief of Eleanor Gay.

An act to authorize the Inferior Court of Fulton county to take stock in the Georgia Air Line Railroad, and issue bonds upon conditions, &c.

An act for the relief of John Farmer and William Stoll, securities on the bond of Newton Freeman, for his appearance at Gilmer Superior Court, charged with the offence of assault with intent to murder.

An act to change the name of the Planters and Mechanics Bank of Dalton, Georgia, to that of the Bank of Whitfield.

An act to change the time of holding the Inferior Court of Emmanuel county, from the 1st Monday to the 2d Monday in July of each and every year hereafter.

An act to incorporate the Springer Mountain Gold and Copper Mining Company.

An act to authorize Jemima West, widow of Enoch West, late of White county, deceased, to settle said estate.

An act to increase the privileges of the Mechanics Independent Fire Company of the city of Augusta.

An act to protect religious societies in the exercise of their religious duties, and for other purposes.

An act to establish a tobacco inspection in the town of Canton, and to provide for the appointment of inspectors.

An act to lay out and organize a new county from the counties of Clinch and Lowndes.

An act for the relief of John Woodall, late of Jones county, deceased, one of the securities of Felix Woodall, for the delivery of certain books.

An act to alter and change the times of holding the Superior and Inferior Courts of the county of Sumter, and the Superior Courts in the county of Chattahoochee.

An act to change the times of holding the Superior Courts of the counties of Baker and Mitchell; to authorize the Judge of the Superior Court of Jefferson to hold Court two weeks; to change the time of holding the Superior Courts of Webster county, and the Inferior Court of the county of Muscogee, the Superior Courts of Dougherty county, the Superior Courts of Heard county, and to provide for the location of a new county site, in certain contingencies, in the county of Baker; to dispose of the present public buildings; to levy an extra tax, &c.

An act entitled an act to regulate the rates of license in this State, so far as relates to the county of Wilcox, and also, to define the fees of the Ordinary of Chatham county, in this State.

An act to prevent the escheat of the property of Curtis G. Gray of the county of Houston, and to carry out the intention of said Gray, as to his estate.

An act to make void the contracts of minors, with the exceptions therein stated.

An act to authorize the Justices of the Inferior Court of the county of Worth to levy an extra tax, to pay off indebtedness of said county, commencing in 1859.

An act to incorporate the town of Alpharetta, in Milton county, and for other purposes.

An act to revive, alter and amend an act entitled an act to make permanent the site of public buildings in Polk county, at Cedartown in said county, and to incorporate the same, &c., approved 8th of February, 1854.

An act to alter and change the mode of electing the Marshal in the city of Marietta, Cobb county.

An act to define the line between the counties of Clay and Early.

An act to repeal the 19th section of an act to incorporate a

bank in the city of Atlanta, to be called the Bank of Fulton, and for other purposes therein mentioned.

Mr. Briscoe, from the Enrolling Committee of the Senate, reported as duly enrolled and ready for the signature of the President of the Senate,

An act to repeal a part of the 5th section of the act organizing the Supreme Court.

An act to authorize the Justices of the Inferior Court to administer the oath of office to the justices of the peace.

An act to empower and authorize the Ordinaries of the different counties of this State, to grant an order to executors and administrators representing estates, and guardians representing wards, having wild and scattered lands lying in different counties, to sell and dispose of the same at private sale, whenever the interest of the ward requires it.

An act for the better government of the Western and Atlantic Railroad; to secure fidelity in its fiscal agents, and all other persons indebted to said road; and to prevent as far as possible, fruitless and expensive litigation, and to make the account books of said Western and Atlantic Railroad evidence in certain cases, and for other purposes.

An act to make the Governor of this State, and in his absence, the oldest member of the board of trustees of Franklin College, who may be present, President of said board.

An act to provide for the retail of spirituous liquors in the counties of Marion, Elbert, Bibb and Mitchell, in this State, and for other purposes.

An act to incorporate the Cass County Agricultural Society.

An act to compensate the petit jurors of the county of Heard, and provide for the payment of the same.

An act to change the times of holding the Inferior Courts of Walker county.

An act to authorize the Justices of the Inferior Court of Dawson county to levy an extra tax for 1859.

An act for the relief of H. Varner, of Cobb county.

An act to authorize and require the Justices of the Inferior Court of Madison county to collect by suit or otherwise the remainder or unexpended portion of the academic funds now in the hands of said trustees, &c., to be applied to the education of poor children.

An act to authorize the Justices of the Inferior Court of Pulaski county to levy an extra tax to build a new courthouse and jail.

Mr. Paine from the committee on Enrollment, reported as duly enrolled, and signed by the Speaker of the House and ready for the signature of President of the Senate,

An act to authorize guardians, administrators and trustees residing in the county of Richmond to invest the funds in their hands as such, in the bonds of the city of Augusta, issued by authority of the City Council.

An act to change and fix the times of holding the Superior Courts of the county of Lumpkin, and to authorize the drawing and summoning of two panels of Grand Jurors, and for other purposes.

An act to require the clerk of the Superior and Inferior Courts of Burke county to make a report to the Inferior Court of said county of all moneys collected or received by him by fine or otherwise for county purposes, and to settle the same with the said Court instead of the Grand Jury

An act to lay out and organize a new county from the counties of Stewart and Randolph.

Also an act to alter and amend the 14th section of the 5th division of the penal code.

An act to pardon Burton A. Brooks, of the county of Harris, under sentence of death for the crime of murder.

An act amendatory of an act to make permanent the site of public buildings of the county of Walton at Monroe, and to incorporate the same, assented to Nov. 20th, 1821.

An act to regulate the fees of Tax Collector and Receiver of Richmond county

An act to authorize the arrest, by the Marshal of the village of Sparta, without a warrant, and the confinement in the jail of Hancock county, all persons violating the laws passed by the commissioners of said village against drunkenness and gross immoral conduct in the streets of said village.

An act to change and alter the lines between Fayette and Clayton counties so as to include certain persons in the county of Clayton.

An act to alter and amend the charter of the city of Macon.

An act to authorize the Justices of the Inferior Court of Bryan county to levy an extra tax for educational purposes.

An act to point out the manner in which Constables, neglecting or refusing to levy or collect the money on distress warrants for fines, shall be ruled before the General Board of Road Commissioners of Chatham and Carroll counties, and for other purposes.

An act to locate the road hands living upon Cambers Island and Potosi upon Rifle Cut.

An act to incorporate an infantry corps in the town of Ft. Valley, and to incorporate the Oglethorpe Light Infantry of Savannah, &c.

An act to change the line between Dougherty and Worth counties.

An act to legalize the election and make valid the acts of Samuel Curtright as Ordinary of Troup county

An act to prevent non-residents in the county of Milton from camp hunting.

An act to amend an act to incorporate Marshall College in Griffin, approved Dec. 22d, 1853.

An act to amend an act pointing out the mode of collecting a certain description of debts therein mentioned, and to extend the provisions of the same.

An act to incorporate M. E. Church at Prospect in Thomas county.

An act to authorize the Justices of the Inferior Court of the county of Wayne, Appling and Pierce to appoint surveyors to define and mark the line between said counties.

An act to authorize the Inferior Court of Madison county to sell the Academy buildings and real estate of said Academy and apply the funds collected to educational purposes.

An act to amend an act entitled an act to amend the several laws of force in relation to West Point; also to incorporate and confer certain powers on the First Presbyterian Church in Atlanta, to extend the corporate limits of Buena Vista, &c.

An act to amend an act to incorporate Moccasin Turnpike Road company in Rabun county, approved March 3d, 1856, and to grant the same certain privileges.

Also, an act to change the line between Henry and Clayton counties.

The following message was received from the House of Representatives by Mr. Shropshire its clerk:—

*Mr. President* :—I am directed to notify the Senate that the House of Representatives is now ready to adjourn sine die.

On motion of Mr. Colquitt the Secretary was ordered to notify the House of Representatives that the Senate is now ready to adjourn sine die.

On motion the Senate then adjourned sine die.

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<b>BERRY A. J. AND OTHERS,</b>									
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Re-elected						5			
<b>BIBB COUNTY.</b>									
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		381	384						
Bill to amend road laws	148	152	184	470	482				
Bill to provide for sale of spirituous liquors									
in				497	284				
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<b>BILLINGSLEA, ADM'RX OF JAS. F.,</b>									
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<b>BIGBY BENJAMIN M.,</b>									
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<b>BIGHAM CAMP GROUND,</b>								
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<b>BILLUPS, HON. JOEL A.</b>								
Of Morgan County	5	52	54	63	69	106	107	
			112	165	179	202	259	
			284	401	442	456	476	
<b>BRISCOE, HON. L. H.</b>								
Of Baldwin County,	5	47	53	54	55	87	113	137
			138	158	176	202	205	216
			228	247	336	347	361	364
			369	398	435	455	474	480
			491	492	511	519	517	520
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							355	506
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			146	187	279	280	337	338
			355	386	392	396	398	467
<b>BLOODWORTH, HON. T. S. M.</b>								
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			88	104	115	133	138	158
			199	216	224	233	283	293
			302	304	305	311	316	326
			344	364	385	391	392	411
			422	430	431	437	446	460
							476	515
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				336	404	411	494	521
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			79	96	103	128	130	284
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- BROWNING, HON. J. C.**  
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- BUCHANAN, HON. HUGH**  
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- BUENA VISTA.**  
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- BUFFALO.**  
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- BULLARD, HON. THOMAS**  
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- BUSH, HON. ISAAC**  
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	88	96	132	154	179	193
	205	226	262	277	296	339
	340	365	382	440	480	522

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	50	51	53	54	55	81
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	82	84	97	131	135	137
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	160	164	181	188	192	194
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	200	202	203	221	247	250
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	252	271	283	316	326	327
--	-----	-----	-----	-----	-----	-----

	340	343	389	435	476	484
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Charlton county 61 149 184 464 488

Cherokee Circuit 219 238 429

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Clinch county 51 58 111 413 435 469

Coffee county 158 180 215

Dade county 505

Doughterty county 215

Emmanuel county 254 288 497 518

Forsyth county 142 153 186 468 481 483

Gordon county 61 149 184 464 488

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Fayette county 159 179 285 495

Hancock county 143 153 185 512



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Haralson county	86	126	163	475	495
Lincoln county				50	57 111
Madison county		159	179	285	495
Pickens county	52	58	114	453	466 480
Polk county				205	237 294
Pulaski county	132	167	175	508	520
Schley county				238	513
Thomas county				252	287 357
Washington county	65	154	182	465	508
White county				384	402 426
Worth county	206	237	298	495	519
Bill to declare meaning of act con- ferring extraordinary powers in Gwin- nett county	72	93	125	419	436 468
Bill to legalize certain acts of, in Cher- okee county	64	93	121	453	466 477
Bill to confer power on to assess taxes to pay jurors	65	150	185	446	482
Bill to authorize any Justice of to ad- minister official oath to magistrates				207	238 505 520
Bill to define duties of clerks of	132	169	223		
Bill for protection of Clerks of				254	290
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Bill to confer power on to grant order to sell wild lands,				508	520
Bill to confer certain power on, in Gordon county,				80	83 113
do. do. Troup county,	39	45	56	73	81
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Bill to regulate sessions of, in Glynn county,				383	402 428
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					496	570
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				469	519	
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Dade county,		272	288	505	510	
Dougherty county,					519	
Emmanuel county,					296	
Glasscock county,	40	46	56	73	81	91
Heard county,					519	
Irwin county,					53	92
Jefferson county,					296	
Lumpkin county,		133	168	176	521	
Middle Circuit,				136	295	167
Mitchell county,	67	93	122	454	469	599
Muscogee county,					296	
Richmond county,					296	
Scriven county,					296	
Schley county,		206	258	337	505	518
Sumter county,	98	130	221	229	489	519
Telfair county,					53	92
Terrell county,					296	
Walker county,		272	288	505	510	
Washington county,					296	
Wayne county,	173	187	220	232	305	314
Webster county,					519	
Wilcox county,					53	92
Wilkinson county,		205	238	459	435	
Bill to legalize proceedings of, in						
Taliaferro county,		114	151	186	456	508
Bill to legalize sitting and adjourn-						
ment of, in Glasscock county,	40	46	56	73		
				81	91	
Bill requiring Judges of, to hold						
adjourned terms,	114	157	182	446	492	
Bill to regulate duties of		257	290	333	373	
Bill requiring Judges of, to alter-						
nate,				41	46	

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Bill to pay increased salaries to Judges of	51	98	103	126	135
Bill to increase salaries of				41	46
Bill to regulate the order of trial of criminal cases in				87	127 156
Bill to define duties of Clerks of				132	170 223
Bill for protection of Clerks of					254 290
Bill to fix time of election of Judges of, in Pataula Circuit,				132	167 175 477 494
Bill for better regulation of criminal practice in	63	93	156	171	490 504
Supreme Bill to amend act organizing	178	239	275	328	367 505 520
Bill to repeal 5th section of an act organizing				159	180 251 328
Bill to amend act relating to taking cases to	105	127	156	174	479 504
Bill regulating practice in carrying cases to					94 120
Bill curtailing jurisdiction of in criminal cases,	204	242	291	319	273
Bill to fix place of sittings of	69	137	198	368	369
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Henry and Fayette counties,	41	47	59	224 228 271

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			429	449
Lowndes and Clinch counties,	192	239	284	329
			489	519
Lowndes and Thomas counties,	41	76	453	480
Stewart and Randolph counties,	49	60	98	106
	425	431	445	469 521
Union, Fannin and Gilmer coun- ties to be called Few county,	87	129	137	229 249
Warren, Columbia, Richmond, Burke and Glasscock counties,			39	47
Washington, Emmanuel and Lau- rens counties to be called John- son county,	117	183	195	558 511

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Added to							96
Bills, &c., referred to					180	222	239
Report from	76	82	95	98	110	129	137
		174	194	201	217	272	284
						300	383

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Bibb and Twiggs	256	288	388	493
Brooks and Thomas				453
Butts and Spalding	50	60	98	110
Campbell and Fayette	159	181	201	285
Camden and Glynn				460
Carroll and Habersham				489
Carroll and Haralson	375	402	453	489
Chattahoochee and Stewart		52	95	110 115
Cass and Gordon	65	150	183	202 458 509
Clay and Randolph				384
Clay and Early	132	169	174	175 507 519
Clayton and Fayette	254	288	300	354 358
				506 521
Clayton and Henry	224	239	272	351 507 522
Certain counties not named				350 375
Cherokee and Cobb				66 95
Cherokee and Milton				132 169
Clinch and Ware	159	181	201	286
Cobb and Cherokee				66 95
Cobb and Paulding		86	126	137 162
Coffee and Irwin	48	60	82	100 413 452 504
Coffee and Ware		159	181	201 286 352
Colquitt and Thomas		286	375	402 453 489
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Coweta and Heard		375	402	453 489

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Dawson and Pickens							380
DeKalb and Henry	48	60	83	99	413	435	469
Dougherty and Baker				159	180	201	293
Dougherty and Worth			255	272	288	300	378
					489	504	521
Early and Clay	132	169	174	175	507	519	
Early and Miller	48	60	83	100	103	480	
Emmanuel and Jefferson		65	151	183	201	459	
					495	509	
Emmanuel and Tattnell			134	174	177	475	
Elbert and Hart	83	127	137	143	475	504	
Fannin and Gilmer		158	181	215	285	482	
Fayette and Campbell			159	181	201	285	
Fayette and Clayton	254	288	300	354	358	506	521
Fayette and Fulton	68	95	160	181	388	403	411
Forsyth and Milton			64	95	110	117	
Fulton and Fayette	68	95	160	181	388	403	411
Glasscock and Jefferson				225	240	284	
Greene and Oglethorpe			96	152	186	215	
Greene and Taliaferro			375	402	453	489	
Gilmer and Fannin		158	181	215	285	482	
Gilmer and Pickens	141	153	182	201	460	483	512
Gordon and Cass		65	150	183	202	458	509
Gordon and Murray		65	150	183	202	458	509
Glynn and Camden						460	
Glynn and Wayne	63	95	110	116	420	451	480
Habersham and Carroll						489	
Habersham and White						492	
Hart and Elbert	83	127	137	143	475	504	
Haralson and Carroll				375	402	453	
Heard and Coweta			375	402	453	489	
Henry and Clayton	224	239	272	351	507	522	
Henry and DeKalb	48	60	83	99	413	435	469
Irwin and Coffee	48	60	82	100	412	452	504
Irwin and Telfair						351	
Irwin and Wilcox	66	95	106	110	121	127	
			137	165	375	402	
			453	454	470	489	
Irwin and Worth		87	127	137	163	508	
Jefferson and Emmanuel	65	150	183	201	459	509	
Jefferson and Glasscock				225	240	284	
Jones and Twiggs			212	239	338	403	
Lee and Terrell				105	127	137	
Liberty and McIntosh			173	187	240	461	
Lumpkin and White					271	288	
Macon and Sumter	49	60	83	108	425	452	492
Marion and Sehley				351	452	492	
McIntosh and Liberty			173	187	240	461	
Miller and Early	48	60	83	100	103	480	

COUNTY LINES—*Continued.*

Milton and Cherokee					132	169
Milton and Forsyth		69	95	110	117	
Montgomery and Tattnall	134	169	174	177	475	495
Murray and Gordon		65	183	202	158	509
Newton and Walton						351
Oglethorpe and Greene			96	152	186	215
Paulding and Cobb			86	126	137	162
Pickens and Dawson						380
Pickens and Gilmer	141	153	182	201	460	483
Pierce and Ware		63	95	110	116	453
Pike and Upson			225	240	272	293
Pulaski and Telfair				271	288	293
Pulaski and Wilcox						439
Randolph and Clay						509
Randolph and Terrell				271	289	439
Spalding and Butts				50	60	98
Schley and Marion					351	492
Schley and Sumter						452
Schley and Taylor				159	181	201
Stewart and Chattahoochee				52	95	110
Sumter and Macon	19	60	83	108	425	452
Sumter and Webster						492
Taliaferro and Greene				375	402	453
Tattnall and Emmanuel	134	169	174	177	475	495
Tattnall and Montgomery	134	169	174	177	475	495
Taylor and Schley					159	181
Telfair and Irwin						201
Telfair and Pulaski				271	288	293
Terrell and Lee				105	127	137
Terrell and Randolph				271	289	351
Twiggs and Bibb					256	288
Twiggs and Jones					212	239
Thomas and Brooks						388
Thomas and Colquitt				286	375	402
Walton and Newton						453
Ware and Coffee				159	181	201
Ware and Clinch					159	181
Ware and Pierce		63	95	110	116	453
Warren and Columbia					254	288
Wayne and Glynn	63	95	110	116	429	451
Webster and Sumter						480
Wilcox and Irwin	66	95	106	110	121	127
				165	375	402
Wilcox and Pulaski						453
White and Habersham						454
White and Lumpkin						470
Worth eastern line of						504
Worth and Colquitt				217	239	272

**COUNTY LINES—Continued.**

Worth and Dougherty,	225	272	288	300	378
			489	504	521
Worth and Irwin,	87	127	137	163	508
Bill to add 24th district of originally Lee county to Stewart county:					570
Bill to appoint Surveyor to make lines between Appling, Pierce and Wayne counties,	192	297	505	622	
Bill to amend act establishing, be- tween McIn-osh and Liberty coun- ties,	173	187	240	412	461
Bill to define, between Macon, Schley and Sumter counties,	360	375	402	453	
			470	489	
Bill to appoint commissioners to mark d sputed,		217	228	235	

**CURRENCY.**

Bill to regulate,	252	289	346	406	
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**CUILEY, JOHN.**

Bill to authorize to peddle,	191	242	291	509	
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**D.****DAHLONEGA.**

Bill to incorporate	51	58	124	477	504
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**DADE COUNTY.**

Bill to appropriate money to Inferior Court,	190	243	291	497	511
Bill to change time of holding Inferior and Superior Courts,	272	288	382	505	510
Bill to authorize poor tax,	51	58	111	468	419
Bill to amend road laws.					144

**DARDEN, HON. ABNER.**

Of Polk county,			54	205	
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**DAVIS ELISHA.**

Bill for relief of				403	
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**DAVIS, SR., JOSEPH.**

Bill to authorize to peddle	191	241	292	513	
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**DAVIS, WILEY G.**

Bill to empower to practice dentistry,	192	287	297		
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**DAWSONVILLE.**

Bill to incorporate,	253	287	358	514	
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**DAWSON.**

Bill to amend charter of	279	307	403		
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**DAWSON, HON. G. O.**

Of Greene county,	39	43	53	54	56
	103	106	136	149	155
	217	220	331	348	355
				514	

**DAWSON COUNTY.**

- Bill to authorize poor tax 189 235 308 419 507 520  
 Bill to pay jurors, 140 149 185 456 470 482  
 Bill to pay Justices 456  
 Bill in relation to poor school  
   children, 48 61 62 71 73 413 419 425  
 Bill to consolidate offices tax collector  
   and receiver 141 152 185 457 509  
 See "County lines."

**DRAINAGE.**

- Bill to allow Savannah to institute  
   system of 220 242 292 458 509

**DRAFTS,**

- Bill to define liability of draw-  
   ers, 40 46 69 135 136 158 161

**DRAKE, HON. JAMES W**

- Of Oglethorpe county, 54 71 84

**DRAWERS OF BILLS OF EXCHANGE, CHECKS.****DRAFTS AND ORDERS.**

- Bill to define liability of 40 46 69 135  
 136 138 161

**DEAF AND DUMB.**

- Bill to amend laws relating to Asy-  
   lum for 367 375 402 493 512  
 Committee on 51

**DE BOW'S REVIEW**

- Resolution authorizing subscription to 83 87 96

**DEBT, PUBLIC.**

- Bill to provide for extinguishment of 484 515  
 Bill to appropriate net earnings  
   Western and Atlantic Rail-  
   road to, 300 303 327 359 414  
   420 440 443 489

**DEBTS.**

- Bill to amend act for collection of  
   certain kinds 67 94 107 122  
   422 454 467

- Bill to provide for more speedy collec-  
   tion of 253 289

**DEBTORS' FAMILIES.**

- Bill to secure certain property to 67 92 121  
 331 339

**DECATUR COUNTY**

- Bill in relation to pay of jurors 383 401 428  
 Bill to lay off into school districts 141 184 153  
 461 509



Bill to allow tax collectors in, com- missions on insolvent executions,	190	242	293	462	509
DEKALB COUNTY.					
See "County lines,"					
DEKALB COUNTY— <i>Continued</i>					
Bill in relation to teachers poor school children,	314	350	376		
DEEDS.					
Bill in relation to legal construction of	159	180			
	196	328			
DEPUTY SHERIFFS.					
Bill to make valid deeds executed by	252	289	340		
			406		
DICKERSON'S SURVEY.					
Bill to make void	207	377	384		
DISAGREEMENT.					
Of Senate and House of Represent- atives	443	445	484	489	491 492
DIVORCE.					
Bill to amend acts relating to	84	127	156	171	
DONALDSON, HON. JOHN.					
Of Pierce county		53	63		
DOORKEEPER OF SENATE.					
E. W. Allred, resigned					5
Re-elected					5
Ordered to close doors		303	502		
Resolution tendering thanks to			517		
DOUGHERTY COUNTY					
See "County lines."					
Bill to change time of holding Inferior and Superior Courts		215	519		
DOUGLASS.					
Bill to incorporate	285	402	428		
DOUGLASS, WILLIAM.					
Bill to authorize to peddle	191	242	291		
DOUGLASS, THADDEUS.					
Bill for relief of	207	238	308		
DOWER.					
Bill to amend acts relating to assign- ment of	80	152	186	222	442 488
DYER, DAVID.					
Bill for relief of	63	92	142	479	492
E.					
EAGERTON, CHARLES A.					
Bill to authorize to peddle	48	57	69	413	419 425

**EARLY COUNTY.**

See "County lines."

Bill to amend road laws 144

**EMMANUEL COUNTY**

See "County lines."

Bill to pay jurors 105 129 164 476 494

Bill to change time of hold Inferior

Court 254 288 379 497 518

Bill to compel nonresidents to pay tax in 254 288 379

**EVANS, E. F.**

Bill to authorize to practice medicine 232

**ESTATES.**

Bill vesting certain in Clerks Sup'r Courts 275 329

**ESTRAY CATTLE.**

Bill to dispose of 253 290

" " in Irwin county 377

" " in Telfair " 377

" " in Wayne " 377

" " in Worth " 377

**EXCHANGE.**

Bill to define liability of drawers of 40 46 69 135

136 138 161

**ELBERT COUNTY.**

See "County lines."

Bill in relation to retail licenses 284 497

to establish fees of county officers 380

to amend road laws 144

**ELECTION PRECINCTS.**Bill to prescribe mode of establish-  
ing, &c.

133 168 223 322

326 399

**EXECUTORS, ADMINISTRATORS AND GUARDIANS.**

Bill to empower to sell wild lands in

certain cases 177 508 520

Bill in relation to division of property

held by 173 187 241 449 473

**EX'RS, ADM'RS, GUARDIANS AND TRUSTEES.**

Residing in Richmond county, bill in

relation to 85 128 162 505 520

**EXECUTIONS.**

See "Ca sas," "Fi fas."

Bill to amend and explain act December

22d, 1857 140 152 183 218 223 239

276 404 442

Bill to give control of to attorneys 36 126 156

" " " to officers 86 202

in relation to issuing 173 187 240 448 470

**EXECUTIONS—Continued.**

to exempt one negro from	256	288	341
to exempt certain articles from	67	92	121
			331
			339

**EDITORS AND REPORTERS.**

Resolution in reference to

**ELIJAY GOLD AND COPPER MINING COMPANY.**

Bill to incorporate	208	236	310	313	352	507
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**EQUITY.**

Bill authorizing appointment of						
masters in					276	317
						506
Bill authorizing appointment of masters						
Cherokee circuit				85	126	275
						317

**ECHOLS COUNTY.**

Bill to lay out and organize	40	47	76	78
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**EDMONSON, HON. JAMES.**

Of Murray county	54	63	84	222
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**ENGROSSING COMMITTEE**

54

**ENROLLMENT.**

Committee on established and ap-						
pointed					41	53
Added to						435
Reports from	69	81	99	113	134	176
	195	206	208	211	216	228
	255	275	303	317	364	398
	405	411	419	425	435	442
	444	455	466	470	473	474
	480	482	486	491	492	494
		504	508	511	513	515
			516	517	518	520

**EDUCATION.**

Bill to encourage the, of indigent youth	41	139
do. to provide for, of children of the State	484	516
do. to change name of fund for	225	240
do. to appropriate net earnings West-		406
ern and Atlantic Railroad to	300	303
	327	359
	420	440
	443	489

Bill to establish board of in Terrell

county					455
Lincoln county	61	150	185	455	470
					492
Resolution in reference to reports by Senators					42
Reports from Senators, laid before Senate,					229

**EDUCATION AND FREE SCHOOLS.**

Committee on				54	221
Added to				233	298
					339
Bills memorials and reports referred					
to	129	139	240	327	
Resolution in reference to committee on					468

<b>FANNIN COUNTY</b>									
Bill to amend road laws									144
<b>FAIN, HON. WILLIAM C.</b>									
Of Fannin county	54	158	352	356	362	406	409		
<b>FAMBRO, HON. ALLEN. G.</b>									
Of Upson county	54	63	64	84	88	124	130		
	136	142	218	227	252	305	330		
	334	339	345	357	361	374	376		
		381	403	408	417	430	499		
Enters protest on Journals									312
<b>FAYETTE COUNTY</b>									
See "County lines."									
Bill authorizing extra tax						159	179	285	495
<b>FRANKLIN COLLEGE.</b>									
See "University of Georgia."									
<b>* FRANKLIN COUNTY.</b>									
• Bill to appoint board of commis-									
• sioners						191	235	295	483
Bill to amend road laws									144
<b>FEE BILL OF CLERKS INFERIOR AND SUPERIOR</b>									
<b>COURTS.</b>									
Bill to amend						204	237		
do. of Ordinary of Randolph county						381	384		
<b>FEES.</b>									
Bill to amend act of December 22d,									
1857, to fix fees of Ordinaries,									
Clerks, &c.						254	290	336	379
						171	476	494	510
do. in relation to, of county officers									
Elbert county									380
Bills, in relation to, of jailor and									
Ordinary of Richmond coun-									
ty			85	128	130	156	162		
Bill to establish, of Ordinary of Fulton									
county									381
Bills in relation to, of Clerk Inferior									
Court and Ordinary of Stewart coun-									
ty						134	168	177	
						278	307	319	
Bill in relation to, of Magistrates									
and Constables Warren county						52	58	115	
								453	480
Bill in relation to, of Clerk Superior									
Court of Worth county						52	92	116	
<b>FELTON, HON LEROY M.</b>									
Of Macon county	49	130	211	252	294	381			
				385	432	516			

**FREE PERSONS OF COLOR.**

Bill to prevent interference of, with slaves	209	238	275	400
Bill amendatory of act for protec- tion of		134	168	224
Bill to allow bail to be given by do. to amend penal laws in rela- tion to	50	62	71	78
Bill to compel them to leave the State	253	290	333	425
Bill to repeal act for trial of	133	168	228	322
	134	158	168	187
	216	223	328	440
Bill to point out mode of collecting debt from	256	290	319	

**FREEMAN, NEWTON.**

Bill for relief of securities of	218	236	350	497	518
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**FEW, COUNTY.**

Bill to lay out and organize	87	129	137	229	249
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**FIERI FACIAS.**

Bill requiring Sheriff's to make re- turn of	83	127	202		
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Bill authorizing Ordinaries to issue	104	128	141	153	157
	181	210	219	486	

**FIELDS, HON. LAWSON.**

Of Milton county	46	49	53	54	64	84	88
	99	124	132	189	205	470	471

**FINANCE.**

Committee on							54
Bills &c. referred to					169	240	435
Reports from	156	201	251	366			

**FINN, ANN S.**

Bill for relief of	65	150	181	456			
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**FRITH, FRANCIS.**

Bill for relief	61	151	182	463	512		
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**FRIENDSHIP.**

Bill to incorporate Presbyterian Church at					52	58	115
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**FORT TOMLINSON, Jr.**

Vote of thanks to							517
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**FORT GAINES.**

Bill to incorporate	204	237	296	505			
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**FOREST TREES.**

Bill to protect in Whitfield county	86	126	162	477	504		
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**FORSYTH COUNTY.**

See "County lines."

**FORSYTH—Continued.**

Bill to compel sale of academy  
lot 142 153 184 464

Bill to change time of hold-  
ing Inferior Court. 142 153 186 468 481 483

**FLOUR INSPECTION IN SAVANNAH.**

Bill to amend act establishing 383 401 425

**FLOURNOY, AMANDA C.**

Bill for relief of 68 93 143 477 497

**FLOYD COUNTY**

Bill to amend road laws 144

**FUGITIVES FROM JUSTICE.**

Bill to provide for rendition of 105 169 223 236

**FUGITIVE SLAVES.**

Bill to secure the return of 222 229 300 302 313

**FULTON COUNTY.**

Bill to establish fees of Ordinary 381

Bill to authorize subscription by, to  
Georgia Air Line Railroad, 257 381 518  
See "County lines."

**G.****GARNISHMENTS.**

Bill to authorize process of, for re-  
covery of value of fugitive slaves 222 229 300  
302 313

See "Attachments."

**GLASSCOCK COUNTY**

Bill to make valid Sheriffs bond  
of 53 92 116  
454 469

Bill to consolidate offices Clerk  
Inferior and Superior Courts 114 150 186 455  
468 474

Bill to setting and adjournment of  
Superior Courts 40 46 56 73  
81 91

Bill to change time of holding Su-  
rior Court 40 46 56 73  
81 91

**GRAHAM, HON. JOHN B.**

Of Dawson county 4 49 54 66 73 159  
189 253 441

**GRAHAM FANNIE.**

Bill to make heir at law of Dugal B.  
Graham 255 290 378

**GRANT, ROBERT.**

Vote of thanks tendered to 517

**GRANTS TO LAND.**

Bill to legalize certain 217 239 278 404

**GRAY, (GAY) ELEANOR.**

Bill for relief of 497 518

**GRAY, CURTIS G.**

Bill to prevent escheat of estate of 191 235  
483 519

**GRAHAM JOHN.**

Bill to empower Executrix of,  
to sell real estate 512

**GENERAL ASSEMBLY.**

Organization of and proceeding there-  
on 6

Resolution in reference to reduction  
of members 256 472

Bills to reduce number of mem-  
bers 48 50 57 62 84 123  
124 130 131 136  
139 144 278

Resolution in reference to per diem and  
mileage of members 272 473 506

**GEORGIA.**

Bill to protect rights of people of 279 307 319

Resolution in reference to money ad-  
vanced by, in Indian war 332 480

**GEOLOGIST, STATE.**

Bill to appoint 68 93 98 178 201

**GREAT OHOOPEE MANUFACTURING COMPANY.**

Bill to incorporate 133 167 220 278 374

**GREENE, JAMES A.**

Resolution in reference to papers  
of Peter Tresvant 157 179 288 468 492

**GREEN, JOHN AND REBECCA.**

Bill for relief of 57 69 154 165 176

**GREENE COUNTY.**

See "County lines."

**GRESHAM, HON. MR.**

Of county 136 147 187 222

**GIBSON, HON. WILLIAM.**

Of Richmond county 54 84 78 89 98 104  
106 111 113 132 157 160  
179 189 225 229 251 253  
279 283 301 304 320 357  
387 391 395 408 412 431  
448 488 499 500 501 502

**GRIFFIN.**

Bill to amend charter of 133 167 176 506

<b>GRIFFIN, HON. W. E.</b>									
Of Calhoun county						54	189	199	
<b>GRIFFIN, HON. ELI. S.</b>									
Of Twiggs county	54	77	104	212	213	333	341		
				348	399	403	473	503	510
<b>GRIFFIN, JOHN B.</b>									
Bill for relief of				84	127	143	475	495	
<b>GWINNETT MANUFACTURING COMPANY</b>									
Bill to incorporate				52	58	115	453	480	
<b>GWINNETT COUNTY.</b>									
Bill to declare meaning of act authoriz-									
ing extra tax						72	93	125	
						419	436	468	
<b>GORDON, HON. G. G.</b>									
Of Walker county	39	54	56	158	189	206			
				272	273	326	382		
<b>GORDON COUNTY.</b>									
See "County lines"									
Bill to amend road laws				148	152	184	470	482	
Bill to change time of holding									
Inferior Court	61	149	184	464	488				
<b>GOVERNOR.</b>									
Committees appointed to wait on				6	514	515			
Bill to make President of board									
trustees University of Georgia	192	235	334	506					
Annual message of				6	37	38			
Special message from vetoing sundry									
bills last session				39	43	45			
Special message from in relation to Peni-									
tentiary								81	
Special message from in relation to									
penal code				78	82	161			
Special message approving sundry									
bills	91	271	300	425					
				468	477	492			
Special message approving joint resolution									
in honor of Ex-Gov. Schley								209	
Special message in relation to exchange									
of laws and reports with Choctaw Nation								193	
Special message transmitting re-ports of									
jurors						82	161		
Special message transmitting list of banks									
not making legal returns								194	
<b>GOVERNMENT.</b>									
Bill for support of for 1859	338	340	376	388	404				
				431	433	440	493		
<b>GHOLSTON, HON. J. S.</b>									
Of Madison county	54	104	159	189	206				



**GUARDIANS.**

See Richmond county

Bill to empower to act as Administrators

114 151 184 486 509

**GUERRY, HON. T. L.**

Of Randolph county

49 54 64 71 97 132

144 155 193 201

Elected President of Senate

226

Vote of thanks tendered to

515

**GLYNN COUNTY.**

See "County lines."

Bill to regulate sessions Court of Ordinary

383 402 428

**H.****HABERSHAM COUNTY.**

See "County Lines."

Bill to amend road laws

144

**HALL COUNTY.**

Bill to pay Justices Peace for returning poor children

160 180 293

495 517

**HAMILTON.**

Bill to extend corporate limits of

278 307 337 506

**HAMILTON, DUKE.**

Bill for relief of

190 242 292 459 479

**HANCOCK COUNTY.**

Bill to authorize extra tax for,

143 153 185 459 512

" in relation to Ordinaries of

405

" to amend road laws

144

**HAMMOND, HON. C. D.**

Of Baker county

54

**HARRIS, HON. W. A.**

Of Worth county

4 48 50 54 58 59 67 69

73 82 87 88 95 98 104 109

110 113 130 137 144 146 164

174 194 196 197 200 201 206

215 216 217 219 230 253 271

279 281 282 284 285 300 308

305 325 333 338 363 367 371

372 374 387 388 391 404 405

408 424 432 439 440 441 453

486 489 500 517

**HARRIS, HON. WILLIAM T.**

Of Merriwether county

38 42 49 54 72 88

160 165 216 221 224 225

272 314 451 459

HARRIS, CHARLES J.									
Elected secretary of Senate <i>pro tem</i>								413	
Vote of thanks to								519	
HARRIS, IVERSON L.									
Elected commissioner to codify the laws								443	
HARRIS, HON. HENDLEY									
Of Walton county								196	
HARRIS COUNTY									
Bill to take the vote of the people								354	
Bill in relation to Ordinaries								495	
HARALSON COUNTY									
Bill to authorize extra tax	86	126	163	175	495				
Bill to consolidate offices of tax collector and receiver	190	243	293	462	492				
See "County Lines."									
HART, A. W.									
Of Bryan county	54	57	71	196	200	206	215		
HART COUNTY									
See "County Lines."									
Bill to authorize Inferior Court to pay money				133	168	177	475	494	
HARTWELL.									
Bill to extend corporate limits of	86	125	152	479	504				
HANSON, JOHN H.									
Bill for relief of								355	
HAGANS, JAMES.									
Bill for relief of				278	307	336	506		
HARRIS, JEPHTHA V.									
Bill for relief of Executor of	63	92	106	419					
				436	69				
HAWKINSVILLE.									
Bill to incorporate	63	92	116	114	131				
HARDWICK, JOHN.									
Bill for relief of							337	506	
HAYS, HON. J. C.									
Of Jackson county								54	
HEAD RIGHTS.									
Bill to repeal laws relating to in Clarke county								113	
do. in Washington county	67	93	143	175	189				
HEARD COUNTY									
See "County Lines."									
Bill in reference to pay of jurors	195	127	165	505					

<b>HENRY COUNTY,</b>												
See "County Lines."												
Bill to amend road laws												144
<b>HILL, HON. D. P</b>												
Of Harris county												
	4	37	39	50	53	54						
	71	76	82	85	88	96						
	98	103	137	146	154	216						
	217	220	225	226	228	230						
	232	243	253	272	273	283						
	301	304	309	310	311	312						
	314	325	331	335	342	354						
	367	370	374	384	401	429						
	433	434	443	444	465	471						
<b>HILL, HON. ROBERT J.</b>												
Of Sumter county												
	39	54	64	98	112	130						
	191	221	351	361	407	453	489					
<b>HILL, HON. J. S.</b>												
Of Troup county												
	39	54	56	70	95	253						
	389	390	431	435	493	499						
<b>HIGHSMITH, THOMAS H.</b>												
Bill for relief of												
	204	219	232	250	255							
<b>HINES, R. K.</b>												
Bill to pay												
	51	98	103	126	135							
<b>HIXON, HON. SEABORN</b>												
of Schley county												
	4	53	130	159	206							
<b>HOLCOMB, HON. LITTLEBERRY</b>												
Of Cherokee county												
	4	53	64	85	88	205						
					206	334						
<b>HOLMESVILLE,</b>												
Bill to amend act establishing												
Justices court at												
	141	153	184	462	511							
<b>HONEST DEBTORS,</b>												
Bill to amend act relating to												
					98	128						
<b>HOUSTON COUNTY,</b>												
Bill to amend road laws												144
<b>HORN,</b>												
Resolution authorizing subscription												
to paper to be called the												88
<b>HOUSTON MANUFACTURING COMPANY,</b>												
Bill to incorporate												253 290 379
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